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From Insurgency to Stability

Volume I: Key Capabilities
and Practices

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Preface

This monograph is the first of two volumes that examine how insurgencies transition from a high level of violence to a more stable situation. This volume identifies the procedures and capabilities that the U.S. Department of Defense and other agencies of the U.S. government require in order to support the transition from counterinsurgency (COIN) to conditions of greater stability, the capabilities available to the United States and to U.S. allies and international organizations, and shortfalls and associated issues. The second volume (*From Insurgency to Stability*, Volume II, *Insights from Selected Case Studies*, MG-1111/2-OSD) examines a number of case studies to determine the key factors that produced a successful transition to stability. This monograph should be of interest to the U.S. Department of Defense and other agencies of the U.S. government, as well as government and nongovernmental organizations in countries that are concerned with insurgency and counterinsurgency.

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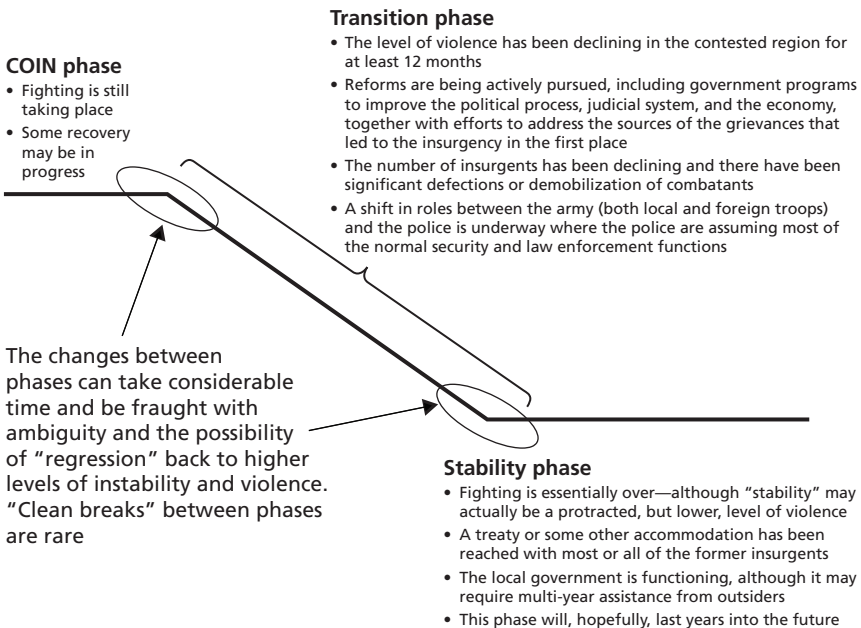
Summary

There is no universally accepted criterion to determine how, when, and under what circumstances an insurgency can be said to have entered a transition phase toward stability. For purposes of this document, we define a *COIN transition* as the time and place between the counterinsurgency stage, in which the military takes primary responsibility for security and economic operations, and the stability and reconstruction phase, in which the police and civilian government agencies take the lead in providing security and services to the population. It can be considered to have started when the following are taking place:

- The level of violence has been declining in the contested region for at least 12 to 24 months. The number of insurgents and insurgent attacks has been declining and there have been significant defections or demobilization of combatants.
- Reforms are being pursued. These include government programs to improve the political process, establish an impartial and credible judicial system, reduce corruption, invigorate the economy, address religious or cultural discrimination, or remove other sources of dissatisfaction that resulted in part of the population siding with the insurgents.
- The population interacts with and supports the security forces and government representatives and assistance workers.
- The police forces of the government combating the insurgency are taking over responsibility for internal security from indigenous (and any foreign) military forces.

Determining how the indicators listed above are assessed or measured can be difficult. In many ways, each insurgency is unique, even if the insurgency legitimates itself at least in part on the basis of a universalistic ideology such as Communism or Islamism. The aim of post-COIN operations is to ensure that these conditions are followed by lasting peace and stability rather than a relapse into violence. The COIN transition can be said to be complete when the insurgency has been reduced to a level where the state is able to provide security to the population and perform its basic functions. Figure S.1 depicts the concept of COIN transition.

Figure S.1
Moving from COIN Toward Stability



Transition Scenarios Depending on Level of U.S. Involvement

The post–World War II era has seen the United States involved in many insurgencies and counterinsurgencies. In all cases, the degree of American involvement in counterinsurgency has varied considerably. Nevertheless, broadly speaking, two major categories of U.S. involvement in COIN can be distinguished: limited involvement and major involvement. There are also cases where there is no direct U.S. involvement. How the United States supports the COIN transition will vary accordingly.

In cases of limited U.S. involvement, the United States has provided advisors, trainers, and some material assistance to the security forces of the government that is combating an insurgency, but U.S. forces have taken no or a very limited direct role in operations against the insurgents. In addition to security assistance, it is likely that the United States also provided various types of “civil COIN” support to the local government. In Colombia and the Philippines, this level of U.S. assistance has been sustained over a period of years, and today both countries appear to be well along in the process of transitioning from decades-long counterinsurgencies toward much more stable situations.

At the opposite end of the spectrum are cases in which the United States has been deeply involved in the COIN effort, committing large numbers of military personnel to participate in combat operations against the insurgents. In these cases, the supported nation has usually developed considerable dependency on the United States in both the security and civil COIN areas. For this reason, the COIN transition process can be much more challenging than in cases of limited U.S. involvement, since the supported government often lacks the capabilities necessary to sustain the peace in the fragile post-COIN period. If U.S. support is removed precipitously during the transition phase, a major capability gap could easily emerge, endangering the transition.

The third category of counterinsurgencies encompasses those with no U.S. involvement, either because the government confronting the insurgency does not want the United States involved or because politi-

cal constraints, such as human rights concerns, preclude U.S. involvement. Even in cases where it is not directly involved, the U.S. government might not be indifferent to the outcome; for instance, if the government is fighting a radical Islamist insurgency, as in Algeria, the United States may provide some level of counterterrorism cooperation.

Transition Scenarios Depending on Outcome

Transition scenarios also vary depending on the outcome. Different outcomes, in turn, have different implications for the nature of the transition.

When the outcome is a clear-cut government victory, the hand-off of security operations from the military to civilian agencies (or in cases of large-scale U.S. military involvement, from the U.S. military to civilian agencies and to the supported government) might involve only a mechanical transfer of responsibilities from military to civilian agencies.

However, when the insurgencies are terminated as a result of a negotiated settlement, there may be a need for a neutral third party to monitor the implementation of the peace agreement or ceasefire. If the United States was a party to the conflict or was heavily involved in support of one of the sides, it would be unable to play the peacekeeper or guarantor role. The United Nations can usually play this role. In El Salvador, for instance, the United Nations Observer Mission in El Salvador (ONUSAL) was set up to verify the implementation of the peace agreement. A similar situation might develop if there is a negotiated settlement in Afghanistan.

Hand-Off of Security Operations

The hand-off of security and economic operations from the military to civilian agencies is the hallmark of a successful transition. If civilian agencies are capable of performing their functions, it means that the country combating the insurgency is transitioning to a more stable environment. Examples of such activities include police-led operations, peacekeeping, training and equipping local security forces, rees-

tablishing civil authority, and developing institutional capacity and governance.

The hand-off of security and economic activities from the military to civilian agencies does not typically imply an abrupt end to the military's role in such operations. When the environment permits, military forces transition lines of operation to civilian agencies, which then lead the efforts. Although the military no longer has the primary responsibility for the conduct of operations, it continues at least some degree of field support for the efforts of civilian agencies, particularly when such agencies have a limited capacity to execute operations.

Handing off police activities to civilian agencies is one of the most complex transitions that the U.S. military faces during stability and reconstruction operations (SROs).¹ No single U.S. government agency leads and coordinates the different foreign police training, executive development, and mentoring programs. The situation is further complicated by the varying philosophies concerning requirements for police training that are held by the Department of Defense (DoD) and the myriad U.S. government civilian agencies involved in the task. It is essential that SRO planners identify requirements for the different types of police forces, based on the supported country environment. Finally, the U.S. government must determine as early as possible the supported country's priorities for police development in order to design police force training and equipping programs that can be sustained.

Hand-Off of Intelligence, Surveillance and Reconnaissance Programs

Certain types of intelligence, surveillance, and reconnaissance (ISR) capabilities and information systems are among the most critical capa-

¹ Stability and reconstruction operations are defined in the U.S. Army Field Manual (FM) 1 (2005) as follows: "Stability and reconstruction operations sustain and exploit security and control over areas, populations, and resources. They employ military capabilities to reconstruct or establish services and support civilian agencies. Stability and reconstruction operations involve both coercive and cooperative actions. They may occur before, during, and after offensive and defensive operations; however, they also occur separately, usually at the lower end of the range of military operations. Stability and reconstruction operations lead to an environment in which, in cooperation with a legitimate government, the other instruments of national power can predominate." The citation can be found in Chapter 3. In U.S. Army doctrine, "stability operations" are part of Full Spectrum Operations.

bilities needed to sustain a transition from COIN to stability. The decline in intelligence support that inevitably comes with the draw-down of U.S. military forces in cases of large-scale U.S. military involvement can contribute to a decline in the effectiveness of host nation security forces and place its recovery at risk. This consideration also applies to cases of limited U.S. involvement in counterinsurgency if U.S. ISR assets are withdrawn. Sustainability is a key factor. During the transition from COIN, U.S. planners must carefully consider the types of U.S.-developed infrastructure, equipment, and technology that the host country or U.S. government civilian agencies will be able to sustain.

Hand-Off of Economic Operations

The hand-off process is no less complicated with regard to economic operations. If U.S. military forces or U.S.-supported government forces can defeat an insurgency or at least create an internal security environment characterized by manageable levels of threat, then there is a window of opportunity for civilian agencies to conduct economic operations. However, a nonpermissive security environment might compel military organizations to take on many tasks that are more typically executed by civilian agencies in partnership with international and nongovernment organizations.

As the Operation Iraqi Freedom (OIF) experience has made clear, the United States needs to develop structures and procedures to coordinate civil and military economic operations in transitions from COIN to SROs. Assessment tools should be developed to analyze the overall short- and long-term impact of projects on sustained economic development. Similarly, military and civilian leaders need a system that can provide a comprehensive view of economic development activity in an area of operations. The system should include visualization tools, not just data and statistics on projects.

Role of Contractors

Civilian agencies by and large do not have sufficient capacity to design, implement, monitor, and evaluate the level of contract activity that can be associated with large-scale SROs. U.S. civilian agencies need

a unified system to monitor the status of deployed positions and to manage personnel so that positions are filled in a timely fashion. Similarly, there is need for a civil-military contract monitoring system. The system should enable newly arrived personnel to understand the status of ongoing projects and whether individual contractors are performing to the contract specifications. A status reporting and records system should limit the tendency of those personnel to “reinvent the wheel” and duplicate existing projects. It should further contribute to limiting waste and provide a window into corrupt practices, e.g., by identifying where project funds are expended and where performance is substandard.

Moreover, the supported government should be included early in U.S. transition planning. Such inclusion is vital for the supported government to become invested in the projects and sustain them as relations with the United States are normalized. SRO planning should also include a coordinated approach to integrate private sector and international participation into economic operations in a transition zone.

Disarmament, Demobilization, and Reintegration

The objective of disarmament, demobilization, and reintegration of combatants (DDR) is to consolidate the transition by ensuring the full reintegration of ex-combatants into a civilian setting. This may not be a realistic outcome in conditions of widespread poverty and high unemployment. In that scenario, an alternative goal is to break up the networks and unit cohesion of the insurgency. In such cases, however, many of the ex-combatants will likely turn to criminal or other types of violent activities.

If DDR is to succeed in its stated goal of reintegrating ex-combatants into society, the process should be integrated with and supported by a comprehensive set of post-conflict reconstruction and development projects. First, conflict in the targeted area must have completely halted or at least been reduced to a level that combatants feel sufficiently confident to give up their weapons. This will normally entail a ceasefire or nominal peace accord and the presence of a cred-

ible (and, therefore, impartial) deterrent force to ensure compliance. Second, in a best-case scenario, DDR should include all insurgent and informal armed formations and, in some cases, components of the government armed forces and government-sponsored militias. Third, DDR must be comprehensive. The stages of the process are interconnected, and the completion of each stage is essential to the success of the others. Finally, DDR programs must have sufficient funding to complete their implementation and cover unforeseen contingencies.

In addition to those cited above, other requirements for successful DDR include

- coordination and information sharing among agencies involved in the process
- accurate predeployment intelligence and intelligence coordination on the part of deployed monitoring personnel
- adequate language skills of personnel overseeing DDR
- a transparent disarmament process backed up by an effective inventory management system
- adequate temporary cantonment areas for disarming insurgents. The cantonment should be a short-term process to prevent the camps from becoming hubs of criminality and even insurgent re-recruitment
- separating combatants from their weapons, both because possession of weapons defined their former lives and to prevent small arms proliferation.

Police and Justice Functions

Police and justice functions are at the core of political and social order, and they play a key role in the daily life of the populations for whom they provide basic security services. Policing and justice capabilities are particularly important in the transitional stage of COIN. During that period, when the government appears on the path to winning and levels of violence have been consistently decreasing, a strong and legitimate security sector can ensure that this trend continues.

The transition phase of COIN operations presents specific challenges. Police forces are normally not trained or equipped to conduct their duties in nonpermissive environments. Consequently, the transition between the military and the civilian police in the performance of law enforcement activities can suffer some delays, creating a security gap. The police may not be ready to take over even basic policing tasks. As the transition progresses, however, the environment should become less and less hostile, allowing the country emerging from the insurgency and international stakeholders to focus on the three main tasks of institution-building, routine democratic policing, and the training of indigenous police forces.

Expeditionary law enforcement is inherently challenging for the United States. With police forces that are placed under the authority of the states and lower jurisdictions and a limited number of federal agencies performing law enforcement tasks, the United States is not ideally equipped to perform police duties abroad or build the capacity of other nations. The United States also lacks the constabulary-type police force, such as the Italian Carabinieri, that has proven in the past particularly helpful in assisting states during the period of transition when basic policing coexists with the need for paramilitary capabilities.

Building a justice system is, on the whole, a more difficult and longer-term endeavor than building policing capabilities. It depends more on encouraging the adoption of processes, principles, and attitudes toward the law and legal institutions than on providing infrastructure, equipment, and technical skills. The human resource requirements pose a particular challenge. To perform their functions well, judges, prosecutors, and lawyers require high-level skills and education and, at the more senior levels, years of experience. They also require knowledge of their laws and procedures that cannot readily be transferred by foreign trainers or mentors. Unlike with police or corrections personnel, human capacity cannot be rapidly expanded in justice functions by bringing in new recruits. Realistic timelines for meeting justice personnel requirements may be inconsistent with COIN transition timetables.

Contribution of International Partners

The vast majority of COIN transition operations since the end of the Cold War have taken place in a multilateral context. Even in cases where the United States provides the bulk of the military forces for COIN operations, other countries and international organizations have worked alongside the United States toward the same end. COIN transitions will therefore likely involve multiple actors: Allies, coalitions, and international organizations will often provide, in part or in full, the capabilities needed to ensure a successful transition from armed conflict to stability.

There are two key domains in which international partners may present a clear comparative advantage: the use and training of constabulary forces and the reform of ministries of the interior.

For some period of time, COIN transitions are likely to involve both the military and civilians performing law enforcement tasks simultaneously. Transitioning from a high-conflict environment to a more permissive one requires community policing capabilities and more-specialized capabilities for responding to civil unrest and insurgencies. Constabulary police forces are particularly useful in such hybrid environments because they combine the ability to do routine policing with capabilities for more demanding roles, such as providing riot control or special weapons and tactics (SWAT) teams.

The United States is not well positioned in this regard, but several of its allies are. Over the past 20 years, Italian Carabinieri and French Gendarmerie have been involved in a number of post-conflict stabilization operations. The recently constituted European Gendarmerie Force (EGF) builds on this experience and that of other forces, such as the Spanish Guardia Civil, the Portuguese Republican Guard, and the Dutch Marechaussee, to constitute a rapidly deployable force. Constabulary-type capabilities represent a pool of expertise that the United States could try to use more broadly through international and bilateral cooperation in COIN transitions.

The United States could also rely on international partners for institution-building, especially when it comes to reforming the interior ministry, which many countries put in charge of managing police

forces. Interior ministry reform may be an instance where U.S. allies could usefully contribute their expertise.

Although international partners can make valuable contributions to transition processes in these and other domains, it is important to recognize that involving allies or international organizations may cause its own problems, especially because it further complicates coordination.

Moreover, allied contributions to COIN transitions are naturally subject to domestic and international political constraints, just as contributions from international organizations are normally subject to constraints stemming from consensus decisionmaking and the particular culture and mission of the organization itself. Other constraints also exist, including geography and resource limitations, imposed either by the tempo of operations elsewhere in the world or the prevailing budgetary and financial climate of the contributing state. In short, the capabilities of allies, coalition partners, international organizations, and nongovernmental organizations should not be viewed as assets that will always be readily available to the United States.

Conclusions and Recommendations

From the discussion in this monograph, a series of strategies and recommendations can be derived, based on lessons learned and expert review of the challenges posed by the transition from COIN to lesser levels of violence. Our recommendations stem from the research presented here, as well as from work conducted by other RAND researchers and institutions. They are intended to facilitate the smooth transition of projects and activities in areas experiencing a transition from counterinsurgency to SROs.

Hand-Off of Economic and Security Operations

Hand-Off of Planning and Timelines. In cases of major U.S. involvement in counterinsurgency, planning for the hand-off of security and economic operations within the U.S. government, and for transitioning those operations to the supported government's control,

should be firmly established within the evolving planning framework for SROs. Ideally, such planning should take place prior to the commencement of SROs. In addition, a methodology and related criteria should be developed to support civil-military estimates of the timeline for project transitions. The estimating process will likely require collaborative analysis by planners and operators working at tactical, operational, and strategic levels.

Project Prioritization. Cooperation between U.S. military and civilian agencies is also important for the prioritization of economic operations. Assessments will need to be made regarding which projects to sustain based on their contribution to the supported nation's immediate needs, as well as longer-term capacity-building requirements.

Contractors as Vehicles for Transition. As the threat environment improves, contractors may serve as vehicles for the transition from military to civilian responsibility. Civilian agencies may see advantages in the continuity of operations that could be achieved by maintaining DoD-contracted activities in place. To facilitate this transfer of responsibilities, DoD, the Department of State (DoS), and perhaps other agencies should evaluate whether processes and procedures can be developed to facilitate the hand-off of contract management from military to U.S. civilian agency control and eventually to agencies of the supported government.

Involving National, International, and Private-Sector Actors. Particularly where there is significant U.S. and international involvement in the transition process, the supported government and its institutions, international organizations, businesses, and nongovernmental organizations need to be integrated firmly into SRO planning wherever possible. DoD should work with DoS to evaluate mechanisms and processes to accomplish this integration.

Estimating Host Nation Police Force Requirements. DoD, DoS, and the Department of Justice (DoJ) should collaborate to develop methods for estimating requirements for building or rebuilding host country police forces. Consideration must be given to requirements for both constabulary-type police forces and those equipped and trained for more traditional law enforcement tasks. Planning should also

include the potential timing and manner of the transition from one type of force to the other, as appropriate.

Information and Communications Technology. DoD and DoS should collaborate to develop mechanisms for identifying databases and other information and communications technologies (ICT) that should be considered for potential hand-off, as well as the planning processes required to support these systems after the hand-off.

Generating U.S. Government Civilian Expertise to Support Integrated SROs. New mechanisms and associated resource support should be identified to enable the routine provision of civilian expertise to DoD for the conduct of stabilization and reconstruction exercises and operations.

Evaluating Improved Linkages Between DoD and the Combatant Command. DoD and DoS should explore whether technical or other measures can be pursued to strengthen current linkages and create new ones.

Modifying IMS Planning Processes. The Department of State Office of the Coordinator for Reconstruction and Stabilization (S/CRS) should work with interagency partners to modify the Interagency Management System (IMS) planning processes to make them more efficient and acceptable to other U.S. government agencies.

National Security Council (NSC) Leadership of SRO Planning and Coordination. A standing body of the NSC for SRO planning and execution should be established. This structural reform should be accompanied by a formalization of the S/CRS role and an elevation of its position within the DoS bureaucracy. The S/CRS, or its successor organization, could be the primary supporting agency to the NSC's new SRO organization.

New Structures for Tactical-Level Civil-Military Integration. The coordination accomplished by ad hoc interagency organizations in Iraq and Afghanistan should be evaluated for lessons learned. New structures for tactical-level integration are emerging and require assessment. U.S. civil and military authorities at all levels—tactical through strategic—need new tools that can provide a comprehensive view of the economic operations being conducted in their areas of interest.

Disarmament, Demobilization, and Reintegration

Adequate Funding. Programs must have adequate funding and resources to ensure that they meet their short-term goals and lay the groundwork for fostering the long-term process of post-conflict normalization.

IT Contribution to DDR. Appropriate application of information technology in the DDR process can help confirm the identity of the demobilizing insurgents, as well as identify them later if the need should arise. This could involve, for example, passing databases from the U.S. military to the various agencies that are responsible for the DDR process.

Control of Small Arms and Light Weapons (SALW). Any effective disarmament process involving the collection of SALW must be fully transparent and backed up by an effective inventory management system. Disarmament needs to go beyond merely decommissioning the arms and munitions stocks of former combatants to address—and check—the potential proliferation of SALW to criminals, renegade militants, and the wider civilian population.

Cantonment. Demobilized combatants should be processed and returned to their place of origin as quickly as possible. The more rapidly this occurs, the sooner peacekeepers can separate ex-fighters from the tools of war and introduce them to comprehensive civilian rehabilitation programs.

Police and Justice Functions

Establish or Reestablish Coverage of Entire National Territory. During the transition phase, the priority of the police should be to establish or reestablish coverage of the entire national territory in order to restore civil order and deny geographical and human terrain to the insurgents. Capacity and sustainability are twin priorities.

Constabulary Policing Capabilities. There may still be a need to create constabulary-type police units as the military relinquishes law enforcement duties.

Riot and Crowd-Control Capabilities. In a situation where the government has not completely restored its authority over the country

or a particular region, the police need crowd and riot-control equipment. This includes lethal and nonlethal or scalable gear.

Integrated Police and Judicial System Reconstruction. Police and judicial reconstruction should not be the focus of separate efforts. Reinforcing police and justice capabilities should be an integrated effort because they build on each other to provide the basic services that the population expects from a functioning state.

Contribution of International Partners

As noted above, there are political and other impediments to international participation in U.S.-supported transitions. Despite these impediments, there are measures that the U.S. government can take to enhance the prospects for cooperation with international partners. The United States is a major contributor in many of the international organizations that are most relevant for supporting COIN transitions. Washington has leverage to steer the policy of these organizations and to engage partners within these institutions. More U.S. engagement is also likely to trigger more support among partners. For instance, the United States could show its support by seconding staff for United Nations peacekeeping operations and encouraging its allies to do the same.

Consider the Whole Transition. U.S. policymakers need to conceive of the “transition” of tasks in these operations not only in terms of handing off responsibilities from DoD to DoS (as is currently the case in Iraq) or from U.S. agencies to local actors, but also of hand-off from U.S. agencies to international organizations.

Encourage Further Development of Partner Police Capabilities. The U.S. government can encourage and support ongoing international efforts to develop stability police forces for international deployments in specific ways. To reach beyond the Euro-Atlantic context, Washington could support training in countries that are major contributors to United Nations (UN) missions such as Jordan, Pakistan, Bangladesh, and Indonesia, as well as countries in Africa.

Reinforce Cooperation in the Area of Integrated Rule of Law Missions. The United States can contribute to and prepare to collaborate with the European Union (EU) and the UN in integrated rule of

law missions. For instance, the United States has cooperated directly with the European Union Rule of Law Mission in Kosovo (EULEX). This could serve as a model case for future cooperation in civilian crisis management.

Cross-Cutting Recommendations

Unity of Effort. In all areas of the transition, there needs to be sufficient unity of effort between the military and law enforcement agencies. It is vital that the military appreciates its own culture and training and does not assume that it can include policing as a lesser included contingency in its overall portfolio.

Accurate Predeployment Intelligence. Where there is international involvement in an SRO, participating countries need to have adequate information to form the basis of a threat and needs assessment that can then be used to inform the mission's mandate and the content of its training regime.

Adequate Intelligence Coordination. Once an operation commences, there needs to be adequate intelligence coordination to ensure unity of effort and mitigate traditional problems that arise from “stove-piped” information. Fusion centers that allow for assessments of the ongoing process are vital in this regard.

Technological Solutions

Nonlethality. Technologies to affect behavior and control situations without violent or lethal force can prove particularly useful in COIN transition contexts, since excessive use of lethal force could be precisely the sort of behavior that can generate support for the insurgency or may contribute to reigniting it. It is important to note that what makes some weapons nonlethal is the way they are used, as much as their design. It is therefore crucial that proper training be administered to indigenous police forces who are given such weapons—and that accountability systems are in place within the police institution to discipline potential abuse. This is an area where U.S. technical assistance could be of great value.

Identification Systems and Biometrics. In COIN contexts, the distinction between insurgents and noninsurgents is critical. The

authorities' ability to distinguish between the two can be improved through such identification systems as biometrics, vehicle registration databases, license plate readers, and more generally any type of census data or other database that can keep track of the population at the village or neighborhood level. Systems providing reliable identification have also proven critical in institutional reform, for instance, in avoiding "ghost" police officers and managing the payroll properly.

Communications. The U.S. experience in Iraq demonstrated that there is a need for equipment, training, and mentoring that allow the supported nation's security forces and their international mentors to communicate without their exchanges being intercepted by insurgent forces, such as encoded FM radios, satellite phones, cell phones, and portable repeaters.

Operational Mobility. Operational mobility can be particularly challenging in countries with difficult terrain and inadequate infrastructure. In Afghanistan, air assets provided by the United States have been the object of competing demands from the different agencies in charge of training the security forces. This problem has been particularly acute in the context of counternarcotics efforts. Developing the rotary-wing fleet and associated training of local personnel, as has been done in Colombia, could provide more operational mobility to the forces of the United States and the supported country when operating in difficult terrain.

Unmanned Aerial Vehicles. A last point relates to the possible use of unmanned aerial vehicles (UAVs) to help the United States or the supported government control borders. The United States already uses this technology domestically for this specific purpose. Insurgents are frequently backed by neighboring countries or use their territory as a safe haven; UAVs limiting their ability to cross the border to resume their activities could be key to ensuring that violence does not flare up again and the COIN transition phase remains on the path to stabilization.

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Abbreviations

ACT	Advance Civilian Team
ADB	Asian Development Bank
ADF	Australian Defense Force
AEF	Afghan Eradication Forces
AfDB	African Development Bank
AFL	Armed Forces of Liberia
AFP	Australian Federal Police
AMIS	African Union Mission in Sudan
ANP	Afghan National Police
ASEAN	Association of Southeast Asian Nations
ASF	African Standby Force
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
AU	African Union
AUC	Autodefensas Unidas de Colômbia (United Self-Defense Forces of Colombia)
Bacrim	Bandas Criminales Emergentes
BCPR	Bureau for Crisis Prevention and Recovery

CAP	Community Action Program
CBP	Customs and Border Protection
CERP	Commander's Emergency Response Program
CEXC	Combined Explosive Exploitation Cell
CID	Criminal Investigation Command
CIVPOL	civilian police
CLJAS	criminal law and judicial advisory unit
CNJC	Central Narcotics Judicial Center
CNP	Colombian National Police
CNP-A	Counter Narcotics Police of Afghanistan
COCOM	combatant command
CoESPU	Center of Excellence for Stability Police Units
COIN	counterinsurgency
COM	Chief of Mission
CPA	Coalition Provisional Authority
CRC	Civilian Response Corps
CRSG	Country Reconstruction & Stabilization Group
CSP	Community Stabilization Program
CSTC-A	Combined Security Transition Command–Afghanistan
DD	disarmament and demobilization
DDR	disarmament, demobilization, and reintegration
DEA	Drug Enforcement Administration
DFID	Department for International Development
DHHS	Department of Health and Human Services

DHS	Department of Homeland Security
DIILS	Defense Institute of International Legal Studies
DIRAN	Anti Narcotics Directorate
DoD	Department of Defense
DoJ	Department of Justice
DoL	Department of Labor
DoS	Department of State
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EGF	European Gendarmerie Force
EPRT	embedded provincial reconstruction team
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
FAA	Foreign Assistance Act
FARC	Revolutionary Armed Forces of Colombia
FBI	Federal Bureau of Investigation
FCO	Foreign and Commonwealth Office
FM	Field Manual
FMLN	Farabundo Marti National Liberation Front
FMS	Foreign Military Sales
FPU _s	Formed Police Units
FY	fiscal year
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
GCPP	Global Conflict Prevention Pool

GAO	Government Accountability Office
IADB	Inter-American Development Bank
ICAF	Interagency Conflict Assessment Framework
ICE	Immigration and Customs Enforcement
ICITAP	International Criminal Investigative Training Assistance Program
ICT	information and communications technologies
ICS	Iraqi Corrections Service
IDG	International Deployment Group
IDPs	internally displaced persons
IED	improvised explosive device
IfS	Instrument for Stability
ILEA	International Law Enforcement Academies
IMS	Interagency Management System
INL	Bureau of International Narcotics and Law Enforcement Affairs
INP	Iraqi National Police
IOM	International Organization for Migration
IPC	Integration Planning Cell
IPS	Iraqi Police Service
IPTF	International Police Task Force
IPUs	Integrated Police Units
ISF	Iraqi Security Forces
ISR	intelligence, surveillance, and reconnaissance

IT	information technology
JFCOM	Joint Forces Command
JIATF-S	Joint Inter-Agency Task Force–South
JTF	Joint Task Force
KFOR	Kosovo Force
LGP	Local Governance Program
MCC	Millennium Challenge Corporation
MilGroup	U.S. Military Group
MND-N	Multinational Division–North
MOD	Ministry of Defence
MOI	Ministry of the Interior
MP	Military Police
MPLA	Popular Movement for the Liberation of Angola
MS	mobile security
MSUs	Multinational Specialized Units
NAS	Narcotics Affairs Section
NGO	nongovernmental organization
NSC	National Security Council
NTM-A	NATO Training Mission in Afghanistan
OAS	Organization of American States
OAU	Organization of African Unity
ODA	official development assistance
OIF	Operation Iraqi Freedom
OMLT	operational mentoring and liaison team

ONUSAL	United Nations Observer Mission in El Salvador
OOTW	operations other than war
OPDAT	Overseas Prosecutorial Development, Assistance, and Training
ORG	Operational Response Group
OSCE	Organization for Security and Cooperation in Europe
OTA	Office of Technical Assistance
PDT	predeployment training
Peta	Pembela Tanah Air
PKSOI	Peacekeeping & Stability Operations Institute
PNC	National Civilian Police
PNP	Panama National Police
PNP	Philippine National Police
POMLT	police operational mentoring and liaison team
PRDC	Provincial Reconstruction Development Council
PRT	provincial reconstruction team
QRF	Quick Response Fund
RCMP	Royal Canadian Mounted Police
RSCMA	Reconstruction and Stabilization Civilian Management Act
RUF	Revolutionary United Front
SALW	small arms and light weapons
S/CRS	Department of State Office of the Coordinator for Reconstruction and Stabilization
SFOR	Stabilization Force

SIGIR	Special Inspector General for Iraq Reconstruction
SoI	Sons of Iraq
SOG	Special Operations Group
SPUs	Stability Police Units
SRO	stability and reconstruction operation
TFBSO	Task Force for Business and Stability Operations
TIP	Transition and Integration Program
UAVs	unmanned aerial vehicles
UN	United Nations
UNDP	United Nations Development Program
UNDPKO	United Nations Department of Peacekeeping Operations
UNICEF	United Nations Children's Fund
UNMIK	Interim Administration Mission in Kosovo
USAID	U.S. Agency for International Development
USMS	U.S. Marshals Service
USCG	U.S. Coast Guard
USSS	U.S. Secret Service
WFP	World Food Program

Introduction

The Goals of This Research

This monograph is one part of a two-phase project. The second part is a series of case studies that examine past and ongoing insurgencies. That study looked for lessons on what is required to bring counterinsurgency to a successful end and begin the transition process. This study focuses on what capabilities the United States needs in order to help nations successfully conduct transition from counterinsurgency (COIN) to stability, and the extent to which these capabilities are available to the U.S. government, allies, coalition partners, and international organizations. Most of the insights in this study are applicable to the Department of Defense (DoD), but there are important implications for other branches of the U.S. government, including the departments of State and Justice (DoS and DoJ), the U.S. Agency for International Development (USAID), and other agencies. At the same time as we identify key capabilities required to support a transition, we also discuss actual or potential weaknesses in those capabilities.

The monograph includes chapters on (1) handing off responsibilities from military to civilian agencies in the transition from counterinsurgency to stability, including the important issue of helping a nation transition most of its security responsibilities from its military to the police; (2) the critical disarmament, demobilization, and reintegration (DDR) process; (3) police and justice functions in the transition; and (4) the contribution of international partners and multinational organizations to helping the countries undergoing a transition. It concludes with overall insights and recommendations.

The Fragile Transition

Insurgencies usually last a long time—in the post–World War II era, the average has been roughly a dozen years, although some insurgencies have gone on for several decades. Insurgencies fall into different categories, depending on the insurgents’ goals and base of support. Some insurgencies are ideologically driven and seek to overthrow the national government and to replace it with a new political order. These insurgencies have been largely Marxist or Islamist. There have also been conservative insurgencies, such as the anti-Sandinista insurgency in Nicaragua, or those with a millennial sectarian ideology—for instance, the Lord’s Resistance Army in Uganda. Other insurgencies are ethnically based (although they may have some ideological coloration). For the most part, these insurgencies are not interested in overthrowing the national government. Their motivation is to carve out a separate state or political entity from the territory of the state where the insurgency occurs. In all cases, insurgents seek to achieve their goals by means of armed struggle. Ultimately, however, the insurgency has to end. It can end in a victory for the insurgents, a victory for the national government that is opposing the insurgency, or in a compromise in which both sides claim at least a partial success.

In this document, we examine the latter two situations, in which the national government has either defeated or is in the process of defeating or gaining the ascendancy over the insurgency or has reached a political settlement with the insurgents.

COIN Transition

Insurgencies are normally characterized by geographically dispersed, low-level violence. Lulls in violence are thus not uncommon. Due to their amorphous nature, insurgent groups are unlikely to surrender: They rarely have a capital that can be captured, and they usually do not have an identifiable center of gravity that can be broken. For these reasons it can be very difficult to know precisely when an insurgency has ended.

There is no universally accepted criterion to determine how, when, and under what circumstances an insurgency can be said to have entered a transition phase toward stability. For purposes of this document, we define a *COIN transition* as having started when the following trends can be observed:

- The level of violence between the government and the insurgents has been declining in the contested region over the previous 12 to 24 months. The number of insurgents and insurgent attacks has been declining and there have been significant defections or demobilization of combatants.
- Reforms are being pursued. These include government programs to improve the political process, establish an impartial and credible judicial system, reduce corruption, invigorate the economy, address religious or cultural discrimination, or remove other sources of dissatisfaction that resulted in part of the population siding with the insurgents.
- The population interacts with and supports the security forces and government representatives and assistance workers.
- The police forces of the government combating the insurgency are taking over responsibility for internal security from indigenous (and any foreign) military forces.

How the indicators listed above are assessed or measured can be difficult. In many ways each insurgency is unique, even if the underlying motivation of the insurgents may be based on a universalistic ideology. However, the convergence of these trends indicates that the COIN transition is under way and that a new phase is occurring in which the goal of the government fighting the insurgency is to accelerate those trends and restore normal government functions in areas previously controlled or contested by the insurgents.

It should be noted that some counterinsurgency campaigns end when the government crushes the rebellion without pursuing any reforms. Nevertheless, we argue that these outcomes are rarely lasting. Since the military defeat of the insurgency does not remove the factors that produced the insurgency in the first place, the stability produced

by a government victory is likely to last only as long as the government is able to deploy sufficient forces to deter or suppress future uprisings. Therefore, lasting stability requires addressing the factors that produced the insurgency. In most cases, as the case studies in Volume II of this study suggest, this includes taking steps to gain the confidence and support of the population in areas formerly controlled or influenced by the insurgents. The reforms needed to secure this goal can usually be pursued after a successful counterinsurgency campaign creates sufficiently secure conditions for civil authorities to operate. As the Colombian case study shows, this dynamic could generate a virtuous cycle that allows for further consolidation of state authority in these areas.

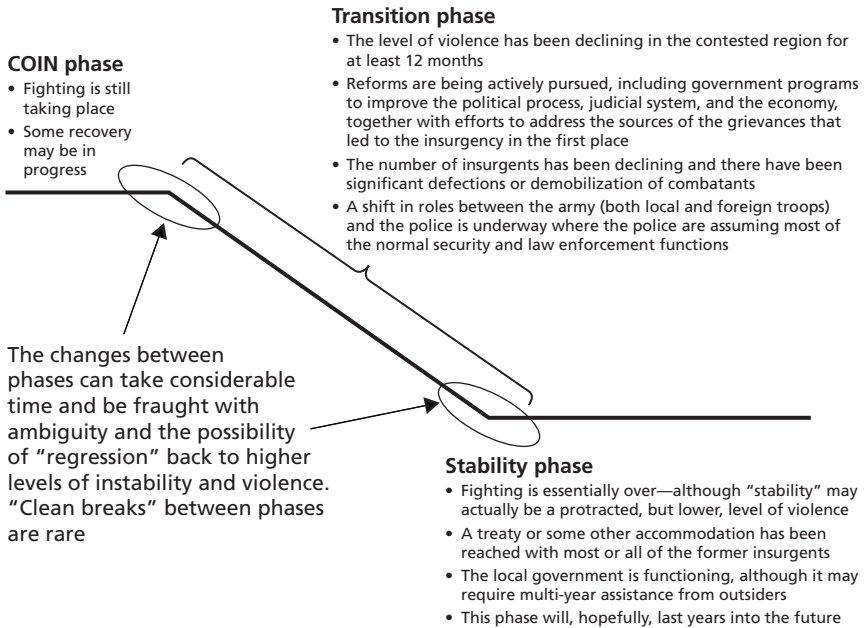
Even when all the indicators listed above are observed, the insurgency could still restart. There are numerous examples of “false dawns” when an insurgency seemed to be ending but instead was reignited. In those cases, the transition process had started but was not completed because of various factors. The COIN transition can be said to be complete when the insurgency has been reduced to a level where the state is able to provide security to the population and perform its basic functions. It is possible that a generally successful transition from COIN might result in the country settling into a prolonged period of low-level violence and of instability, even though the insurgency itself is essentially over. An example of this is El Salvador after the end of the insurgency in 1992. In El Salvador there was an end to the actual insurgency; however, due to a failure to successfully integrate demobilized combatants from both sides into society, many of them turned to violent criminal activity since they had few other economic options. Indeed, for several years following the formal end to the insurgency, the number of violent killings actually exceeded the average annual death toll during the war.

Figure 1.1 depicts the concept of COIN transition.

Different Levels of U.S. Involvement in Counterinsurgency

The post–World War II era has seen the United States involved in many insurgencies and counterinsurgencies. The norm has been for

Figure 1.1
Moving from COIN Toward Stability



the United States to support governments fighting insurgencies, but the United States has also supported insurgents, including groups that opposed the Arbenz government in Guatemala in 1954, the Sukarno government in Indonesia in the 1960s, the pro-Soviet Popular Movement for the Liberation of Angola (MPLA) regime, the Sandinistas in Nicaragua, and, of course, the Northern Alliance against the Soviets in Afghanistan. During the Cold War, American resources were committed to support governments in Latin America, Africa, and Asia that were struggling against leftist insurgencies. In some cases, this support continues today (for instance, in the Philippines and Colombia). Since 2001, the United States has been primarily involved in counterinsurgencies against Islamist militants. In all cases, the degree of American involvement in counterinsurgency has varied considerably. Nevertheless, broadly speaking, two major categories of U.S. involvement in COIN can be distinguished: major or limited U.S. involvement. There

are also cases in which there is no direct U.S. involvement. How the United States supports the COIN transition will vary accordingly.

Major U.S. Involvement in the Counterinsurgency

The first category is made up of cases in which the United States has been deeply involved in the counterinsurgency effort, committing large numbers of military personnel to participate in combat operations against the insurgents. The three most prominent examples in the post–World War II period are Vietnam, Afghanistan, and Iraq. In each of those cases, the U.S. military deployed tens or hundreds of thousands of troops (over 500,000 in Vietnam); those troops had a prominent, if not leading, combat role for at least part of the conflict.

The important difference between Iraq and Afghanistan, on the one hand, and Vietnam, on the other, is that in the first two cases the United States had overthrown the existing government, including sweeping away all the previous regimes' security forces, and was then confronted by an unexpected insurgency that it had to fight alone until sufficient numbers of local forces could be recreated. In Vietnam, the United States intervened in combat operations on the side of the South Vietnamese government, which was functioning and had its own forces fighting the insurgents. Although in the end the Saigon government was defeated by the North Vietnamese, prior to the fall of South Vietnam there had been a degree of transition from the insurgency. By 1970–1971, much of the Vietcong infrastructure had been eliminated as the result of the losses the Communists suffered in the 1968 Tet Offensive, the U.S.-South Vietnamese “Phoenix” program that targeted Vietcong leadership and cadres, and efforts to improve security and governance at the local level. But the transition process was negated by the military success of conventional North Vietnamese forces, who ultimately overran the South in the spring of 1975.

In Iraq, a meaningful transition from counterinsurgency toward stability was under way, at least as of this writing. Violence has dropped off considerably compared with the 2004–2006 period, the Iraqi political process is maturing, and the country's economy is strengthening. U.S. forces have been drawn down from a peak level of 170,000 at the height of the surge in the fall of 2007 to about 50,000 in August

2010. U.S. troops are scheduled to withdraw completely by the end of 2011. During their remaining months in Iraq, the U.S. military will continue to provide assistance to the Iraqi security forces, both military and police. Once the bulk of U.S. military personnel have departed, DoS (supported by DoD) will assume the primary responsibility of continuing to help the Iraqis improve their economy, governance, and security forces. It is clear that the COIN transition effort will still be a work in progress by the time the bulk of the U.S. military departs at the end of 2011.

In the case of Afghanistan, the number of American troops in the country is still increasing at the time of this writing. Violence is on the upswing in some parts of the country, the economy remains very weak, narcotics trade flourishes, and the degree and geographical extent of control exercised by the central government in Kabul is tenuous. Therefore, there has been little in the way of transition from counterinsurgency as of the beginning of 2011.

In cases where there has been a large-scale American involvement in the counterinsurgency effort, the supported nation has usually developed considerable dependency on the United States in both the security and civil COIN areas. Consequently, the transition process in these cases can be much more challenging, since the supported government often lacks the capabilities necessary to sustain the peace in the fragile post-COIN period. If U.S. support is removed precipitously during the transition phase, a major capability gap could easily emerge, endangering the transition to stability.

Although the capabilities needed depend on the specific circumstances of the post-COIN situation, intelligence, communications, and maintenance of military equipment, particularly air assets, are normally of critical importance. A government entering a COIN transition phase might have considerable need for intelligence on what former insurgents are doing, whether any efforts are under way to reignite the insurgency or whether foreign governments or nonstate actors are trying to sabotage the transition process.

If the government has been highly dependent on the United States for intelligence while the insurgency was in full swing, there may be a need to retain some U.S. intelligence capabilities in theater or to help

the supported government develop indigenous capabilities. The same is true of secure communications systems. In addition, maintaining military equipment is a chronic problem outside of the developed world. It presents a particularly serious challenge in countries where the number of trained maintenance personnel is small in relation to the quantities of equipment that may have been brought in by U.S. forces. Sustaining air mobility capabilities is especially important in countries where land transport is difficult or dangerous and air transport may be the only way in which governments can respond to emergencies on a timely basis or connect remote areas to the rest of the country.

In sum, in addition to providing adequate support to civilian needs such as the rule of law, it will likely be necessary to continue to provide theater intelligence to the national authorities, help them maintain their equipment, and sustain air operations even after U.S. ground forces have withdrawn. Failing to do so could result in a revival of the insurgency and a loss of the initial investment in counterinsurgency.

Limited U.S. Involvement

Most cases of U.S. involvement in counterinsurgency fall into the second category. In these cases, the United States provided advisors, trainers, and some material assistance to the security forces (police, intelligence, and military) of the government that was combating the insurgency. Some combination of U.S. government military and civilian personnel and contractors may have been in the country, but with either no or a very limited direct role in combat operations against the insurgents. Indeed, in some cases U.S. Congress or the supported government has imposed limitations on the numbers and role of American personnel. Generally, the number of Americans providing training or other assistance to the supported government has been small—only a few hundred or perhaps a few dozen personnel. The number of Americans in some instances has been so small that the security forces of the host nation provided protection for the U.S. contingent.

In cases where American involvement is limited, the military staff of the embassy, working with the staff of the appropriate U.S. geographic combatant command (COCOM), might be sufficient to administer and oversee most aspects of the military assistance pro-

gram. Most of the U.S. personnel involved in these efforts are likely to come from DoD, possibly with some participation by other agencies. In addition to a limited amount of in-country training, personnel from the supported nation might have been brought to the United States for training and education.

It is likely that the United States also provided various types of “civil COIN” support to the local government. Economic assistance, help in reforming the country’s justice and education systems, improving border security and drug enforcement efforts, and mentoring of local and national-level officials are all examples of nonsecurity-related assistance that the United States has provided to the supported government. As with military assistance, the number of American personnel involved in the “civil COIN” effort in cases of limited U.S. involvement will be small. Agencies that will have the lead in these areas include DoS, the U.S. Agency for International Development USAID, DoJ, and the Department of Homeland Security (DHS). In these cases, the staff of the U.S. embassy (appropriately supplemented) will be adequate to oversee these rather limited assistance efforts.

Colombia and the Philippines are examples of a limited U.S. role in counterinsurgency. In both cases, the number of Americans involved in the counterinsurgency has been small. Additionally, American personnel have not been allowed to participate directly in COIN operations. In both cases, U.S. counterinsurgency assistance has been sustained over a period of years. The United States has been helping the Philippines combat communist insurgent groups since the 1950s. In the case of Colombia, the United States has been involved in assisting the government in Bogotá since the mid-1960s. Today, both countries appear to be well along in the process of transitioning from decades-long counterinsurgencies toward stability. The U.S. role in the transition stage is to help both countries “seal the deal” and establish conditions for lasting stability.

No U.S. Involvement

The third category of counterinsurgencies encompasses those with no U.S. involvement, either because the government confronting the insurgency did not want the United States involved or because political con-

straints, such as human rights concerns, precluded U.S. involvement. Even in cases where it is not involved, the U.S. government might not be indifferent to the outcome; for instance, if the government is fighting a radical Islamist insurgency, as in Algeria, there may be some level of counterterrorism cooperation.

Implications of Different Outcome Scenarios

Different outcomes have different implications for the transition. When the counterinsurgency campaign ends with a clear government victory, the hand-off of security and economic operations might involve only a straightforward transfer of assets and responsibilities from the military to civilian agencies. Although the Revolutionary Armed Forces of Colombia (FARC) insurgency still operates in some regions of Colombia, this is the type of transition that is taking place in Colombia.

The transition is more complicated when insurgencies are terminated as a result of a negotiated settlement. In those cases, there is almost always a need for a neutral third party to monitor the implementation of the peace agreement.¹ If the United States was a party to the conflict or was heavily involved in supporting one of the sides, it is unable to play the role of honest broker. This is a role that may be usefully played by international organizations. As discussed in Volume II of this study, the United Nations Observer Mission in El Salvador (ONUSAL) played this role following the peace agreements between the Government of El Salvador and the Farabundo Marti National Liberation Front (FMLN). Similarly, the European Union–led Aceh Monitoring Mission oversees the implementation of the peace agreement between the government of Indonesia and the Free Aceh Movement (GAM) in the Indonesian province of Aceh, and the Malaysian-led International Monitoring Team (IMT) performs a similar role with regard to the ceasefire between the government of the Philippines

¹ Barbara F. Walter, “Designing Transitions from Civil War: Demobilization, Democratization, and Commitments to Peace,” *International Security*, Vol. 24, No. 1, Summer 1999, pp. 127–155; and Barbara F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars*, Princeton: Princeton University Press, 2004.

and the Moro Islamic Liberation Front (MILF). Analogous arrangements may have to be put in place in the event of a peace agreement in Afghanistan. (In the cases of El Salvador and Aceh, a peace agreement, cessation of armed conflict, and demobilization of combatants other than authorized government forces were preconditions for the deployment of the international peace agreement verification missions; in the case of Mindanao, the international mission observed a ceasefire that did not include a formal peace agreement or the demobilization of combatants. The deployment of a United Nations (UN) mission to Afghanistan would probably require conditions closer to those of El Salvador or Aceh than Mindanao.)

U.S. Interagency Planning and Implementation— Vision and Reality in 2010

In Army Field Manual 3-07, the service warns that transitioning stability and reconstruction operations (SROs) from military to civilian leadership “involves inherent risks.”¹ Allied planners apparently understood the risks during World War II: Planning for the postwar occupation of Germany began two years before Germany surrendered. Before Operation Iraqi Freedom (OIF) commenced, researchers at the U.S. Army War College studied past conflicts and warned, “no part of post-conflict operations has been more problematic for American military forces than the handover to civilian agencies.”²

The Department of State Coordinator for Reconstruction and Stabilization and the Civilian Response Corps

The Reconstruction and Stabilization Civilian Management Act (RSCMA) of 2008 charges the Department of State’s Office of the Coordinator for Reconstruction and Stabilization (S/CRS) with “integrating all relevant U.S. resources and assets in conducting reconstruction and stabilization operations.”³ The RSCMA also requires DoS

¹ U.S. Army, Field Manual (FM) 3-07, *Stability Operations*, 2008, Chapter 4, p. 14.

² Conrad Crane and W. Andrew Terrill, *Reconstructing Iraq: Challenges and Missions for Military Forces in a Post-Conflict Scenario*, Carlisle, Pa.: U.S. Army War College, Strategic Studies Institute, January 2003, p. 3.

³ U.S. Department of State, “Resource Library,” n.d.

to develop an interagency strategy to support stabilization and reconstruction engagements.⁴

S/CRS was established in 2004 in response to congressional demands for a more rigorous and orderly approach to interagency planning and implementation of SRO. The State Department's lead role in SRO planning and implementation was further confirmed by the President. In 2008 the National Security Council (NSC) further confirmed the State Department's SRO leadership.⁵ DoS's first Quadrennial Diplomacy and Development Review (QDDR), published in 2010, devoted a chapter to preventing and responding to crisis, conflict, and instability and defined conflict prevention and response as a core civilian mission. In order to exercise leadership in complex contingencies, the State Department proposes to alter structures to integrate conflict and stabilization operations and to establish a new bureau, the Bureau for Conflict and Stabilization Operations, which will absorb S/CRS and assume expanded functions. As of this writing, this reorganization has not been implemented.⁶

To further its coordination mission, S/CRS developed a planning tool to help synchronize security and economic operations. The operations are reflected in a matrix that divides post-conflict tasks into five "stability sectors": security, justice and reconciliation, humanitarian and social wellbeing, governance and participation, and economic stabilization and infrastructure.

To augment its civilian capacity, the S/CRS established the Civilian Response Corps (CRC), which is charged by Congress and the Secretary of State with providing a quick-response interagency civilian capability to plan, manage, and conduct U.S. stabilization operations. The creation of the CRC responded to the need to have a set

⁴ Special Inspector General for Iraq Reconstruction (SIGIR), *Applying Iraq's Hard Lessons to the Reform of Stabilization and Reconstruction Operations*, February 2010, p. 10.

⁵ "Principles of the USG Planning Framework for Reconstruction, Stabilization and Conflict Transformation," U.S. Government interagency white paper approved by the Reconstruction and Stabilization Policy Coordinating Committee on May 15, 2008, p. 1.

⁶ U.S. Department of State, "Leading Through Civilian Power: The First Quadrennial Diplomacy and Development Review (QDDR)," 2010, Chapter 4.

of formalized, collaborative, and institutionalized foreign policy assets to address the stabilization needs of a country by deploying the U.S. government's wide range of expertise.⁷ The active component of the CRC is composed of approximately 260 full-time federal employees from across the interagency, including DoS, USAID, and the Departments of Agriculture, Commerce, Energy, Health and Human Services (DHHS), Homeland Security, Justice, and Transportation. The active contingent can be mobilized within 48 hours. The standby component of the CRC comprises current U.S. government employees who fill ongoing job responsibilities in their agency and are trained to deploy with the CRC on 30 days' notice. At present, \$210 million has been allocated to establish both the CRC's active and standby components.⁸

In keeping with NSC guidance and U.S. law, the S/CRS has attempted to develop and implement a rigorous framework to organize the U.S. government's SRO and supplant the long-standing ad hoc approach to such contingencies. The framework emphasizes early warning, planning and execution, and considers transition issues that are of interest to this study.

Regarding warning, S/CRS works with the National Intelligence Council to develop the Internal Instability Watchlist to monitor countries at risk of instability and conflict.⁹ In principle, this watchlist can assist decisionmakers charged with directing SRO planning and preparations.

S/CRS has also established the Planning Framework for Reconstruction, Stabilization, and Conflict Transformation, with oversight by the NSC. The framework provides for both crisis response planning and longer-term contingency planning. Crisis response planning can

⁷ U.S. Department of State, Office of the Coordinator for Reconstruction and Stabilization, web page, n.d.

⁸ U.S. Department of State, Office for Reconstruction and Stabilization, *The Civilian Response Corps: Addressing Conflict Through Expeditionary Diplomacy*, 2011. The CRC has deployed staff to Iraq, Afghanistan, Kosovo, Bangladesh, Chad, the Democratic Republic of Congo, Lebanon, Sudan, and Haiti.

⁹ Nora Bensahel, Olga Oliker, and Heather Peterson, *Improving Capacity for Stabilization and Reconstruction Operations*, Santa Monica, Calif.: RAND Corporation, MG-852-OSD, 2009, p. 38.

be initiated at the request of senior officials, including the secretaries of State and Defense. Contingency planning is scenario-based; it is similar to the military's contingency or deliberate planning. It is intended to enable the U.S. government to evaluate potential challenges and courses of action in a hypothetical SRO. This would facilitate a more rapid response, with the required capabilities identified in advance, should the potential crisis actually occur.¹⁰ S/CRS contingency planning is driven by requests from senior leaders and by semiannual guidance issued by an SRO policy coordinating committee of the NSC.¹¹ In principle, the scenario-based plans produced by the S/CRS contingency planning process can be integrated into combatant command campaign plans.¹²

S/CRS employs an assessment tool created by an interagency working group, the Interagency Conflict Assessment Framework (ICAF). The ICAF is a first step in the planning process. It enables S/CRS to work with other U.S. government agencies to make an initial assessment of key conflict dynamics in a given country. The ICAF assessment can be conducted during workshops that can include representatives of the country of concern. Combatant commanders can also use the ICAF to bring an interagency perspective to their planning (e.g., planning for theater security cooperation initiatives).¹³ As envisioned by S/CRS, the Planning Framework for Reconstruction, Stabilization, and Conflict Transformation and ICAF are designed to "integrate planning and assessment across all agencies."¹⁴

Various U.S. government mechanisms are in place for managing humanitarian or political emergencies abroad. However, S/CRS developed and advocates implementation of the Interagency Management

¹⁰ "Principles of the USG Planning Framework," p. 2.

¹¹ Bensahel, Olikier, and Peterson, p. 40; U.S. Department of State, Office of the Coordinator for Reconstruction & Stabilization, "Preventing & Responding to Conflict: A New Approach," slide presentation, Washington, D.C.: U.S. Department of State, March 2009, slide 6.

¹² "Principles of the USG Planning Framework," p. 2.

¹³ U.S. Army, *Stability Operations*, Appen. D.

¹⁴ U.S. Department of State, "Preventing & Responding," slide 4.

System (IMS) for the specific purpose of managing complex crises involving widespread instability.¹⁵

According to S/CRS, the IMS comprises a three-tier system that ensures “unity of action” at all levels: in Washington, in the geographic combatant commands (or multinational headquarters, as appropriate), and in the field. The IMS provides a “common operating picture” to and helps “synchronize activities” of agencies participating in SROs.¹⁶

The Country Reconstruction & Stabilization Group (CRSG) is the IMS’s first tier. The CRSG is an interagency decisionmaking body based in Washington. Its components include the augmented NSC policy coordinating committee established for the specific country response and a secretariat to provide the interagency planning and coordination support required to execute an SRO. As a result of what a former U.S. official described as a “bureaucratic compromise,” the CRSG has a three-way cochair structure that includes a DoS regional assistant secretary, the S/CRS coordinator, and the NSC director.¹⁷

The CRSG is intended to develop the U.S. stabilization and reconstruction “Strategic Plan” for responding to a complex emergency. It is U.S. policy that host nation authorities should be engaged “as early as possible” in strategic planning. The CRSG also performs operational functions and mobilizes resources to respond to complex emergencies.¹⁸

The Integration Planning Cell (IPC) is the IMS’s second tier. In principle, it comprises “interagency planners and experts who deploy to the relevant military headquarters to assist in harmonizing civilian and military planning and operations.”¹⁹

The U.S. Chief of Mission (COM) is responsible for implementing the Stabilization and Reconstruction Strategic Plan in his coun-

¹⁵ U.S. Department of State, “Preventing & Responding,” slide 10.

¹⁶ U.S. Department of State, “Preventing & Responding,” slide 11.

¹⁷ U.S. Department of State, “Preventing & Responding,” slides 10 and 11.

¹⁸ U.S. Department of State, “Preventing & Responding,” slides 10 and 11, and “Principles of the USG Planning Framework,” p. 4.

¹⁹ U.S. Department of State, “Preventing & Responding,” slide 10.

try of responsibility. According to the NSC's 2008 vision, when the IMS is activated, the CRSG, in consultation with the COM, forms the IMS's third tier organization, the Advance Civilian Team (ACT) to support development of the Interagency Implementation Plan for a given SRO.²⁰

The ACT includes representatives from all implementing agencies.²¹ According to S/CRS, it supports the COM's integration of U.S. government activities in order to achieve unity of effort in the development and execution of SRO plans. The ACT helps to "integrate planning and resource allocation, operations, knowledge management and strategic communication."²² Regarding knowledge management, it is U.S. policy that the ACT will employ an "interagency Knowledge Management System for sharing and accessing information."²³

ACT field teams can provide assessments of local areas to support COM decisionmaking.²⁴ The National Security Council also apparently intended the ACTs to coordinate and conduct stabilization and reconstruction field operations, much as the provincial reconstruction teams (PRTs) have done in Iraq and Afghanistan.²⁵

Implementation preparations will include planning for both U.S. military to civilian agency or coalition to supported country "transfer of authority." The "transfer of authority" that should be planned for is undefined in the relevant U.S. policy document.²⁶ However, according to scholars at the Army War College's Peacekeeping & Stability Operations Institute, the policy document accounts for strategic, operational, and tactical level transfers of authority.

In this regard, a transfer of authority to supported-nation control typically indicates a strategic-level transition wherein a country's

²⁰ "Principles of the USG Planning Framework," pp. 5–6.

²¹ "Principles of the USG Planning Framework," p. 6.

²² U.S. Department of State, "Preventing & Responding," slide 10.

²³ "Principles of the USG Planning Framework," p. 7.

²⁴ U.S. Department of State, "Preventing & Responding," slide 11.

²⁵ "Principles of the USG Planning Framework," p. 6.

²⁶ "Principles of the USG Planning Framework," p. 7.

“administrative agencies or security forces assume responsibility for specific governmental functions.”²⁷ Military transfers of authority to civilian leadership occur at operational and tactical levels. The hand-offs at these levels are seen as incremental benchmarks along the progression to large-scale, whole-system (e.g., systems of governance or economics) authority transfers that permit the strategic transition from U.S. involvement in COIN to a more normal bilateral relationship between the United States and the supported country’s government.²⁸

Prospects for Improved Approaches to Interagency Planning and Execution of SROs

Notwithstanding NSC guidance and the RSCMA, there is still no single U.S. government agency that is accountable for planning, managing, and executing SROs.²⁹ U.S. experience in OIF indicates that the roles and mission of U.S. civilian and military agencies in economic operations have yet to be clearly defined at the interagency level.³⁰ It is not clear when, or if, the evolving interagency system for anticipating, planning, and implementing SROs, as advocated by S/CRS, will be formalized. In a 2010 report to the secretaries of State and Defense, the Special Inspector General for Iraq Reconstruction (SIGIR) indicated that the complexity of the system championed by S/CRS gives reason to doubt whether it will ever be fully implemented.

Though approved nearly three years ago, the CRSG has yet to become effectively operational. At the tactical level, the IMS

²⁷ Nicholas J. Armstrong and Jacqueline Chura-Beaver, *Harnessing Post-Conflict “Transitions”: A Conceptual Primer*, Carlisle, Pa.: U.S. Army War College, Strategic Studies Institute, September 2010, p. 7.

²⁸ Authors’ interview with Jacqueline Chura-Beaver, Peacekeeping & Stability Operations Institute (PKSOI), U.S. Army War College, Carlisle, Pa., October 15, 2010.

²⁹ SIGIR, *Applying*, p. 1.

³⁰ David J. Berteau et al., *Final Report on Lessons Learned: Department of Defense Task Force for Business and Stability Operations*, Washington, D.C.: Center for Strategic and International Studies, June 2010, p. 20.

anticipated the development of rapidly deployable ACTs as well as an interagency SRO oversight group (the IPC) that would deploy and manage ongoing contingency operations. Like the CRSG, neither the ACTs nor the IPC is operational as conceived.³¹

The IMS has yet to engender significant support from the interagency community. Major issues of concern are that the processes require a great deal of time but generate minimal results.³² This sentiment is consistent with the views of former S/CRS, USAID, and DoD officials who have developed the S/CRS framework and the IMS or who were familiar with the status of the IMS within the U.S. government as of the writing of this monograph.³³ They agreed with a number of key findings in the SIGIR report and offered recommendations on a way ahead for integrated U.S. approaches to SROs.

In this regard, DoS's crisis-response culture and overreaching by S/CRS appear to be the primary reasons that S/CRS has failed to institutionalize its Planning Framework and IMS components thus far. DoS resource constraints further complicate potential institutionalization. The former officials we interviewed explained that, although the S/CRS Planning Framework is intended to harmonize relevant civilian and military processes to the extent feasible, the two communities generally continue to pursue different approaches to responding to conflicts and other types of contingencies that might require the United States to conduct SROs.

DoD and the services have systematized their own planning for a full range of contingencies, including SROs. Where SROs are concerned, the military's key contingency planning activity is conducted by geographic combatant commands (COCOMs), organizations that have no direct counterparts at DoS. In contrast, U.S. civilian agencies continue to employ a relatively ad hoc approach to contingency response. The practitioners we interviewed explained that when an

³¹ SIGIR, *Applying*, p. 8.

³² SIGIR, *Applying*, pp. 8–9.

³³ RAND interviews with experts at Center for Complex Operations, National Defense University, Washington, D.C., October 2010.

emergency is identified, the typical process at DoS is for senior officials to bid for the position of crisis manager, and thus lead the U.S. civilian agency response, effectively supplanting the role envisioned for S/CRS in the process. Political calculations dictate who will be chosen to lead the response, as opposed to the more routinized process of the type advocated by S/CRS.

Regarding civil-military integration for SRO planning and implementation, the former officials said that the DoS planning culture continues to impede progress. Some State Department officials have expressed concern about integration leading to DoD's encroaching on DoS equities or about any perception by foreign governments, allied or not, that DoS is participating in the planning of military operations with DoD. Also, S/CRS has not been sensitive enough to the realities of DoS planning culture and has tended to "over-systematize" the civil-military integration process. The IMS may never be fully realized as a result.

Given all of the above, the former officials confirmed SIGIR's finding that S/CRS's Planning Framework and the ICAF and IMS constructs have not been formalized within DoS. (One former S/CRS official said he found that most senior DoS staff had never even heard of the IMS until informed of its existence by S/CRS.) The common operating picture promised by the IMS exists as a "theory" and is as yet undefined, a DoD official told us. Similarly, the interagency knowledge management system demanded by the NSC has not been implemented.

As of fall 2010, the planning and execution constructs championed by S/CRS have not been activated in response to an actual emergency but have instead been used only during exercises. Regarding the latter, DoD has routinely requested S/CRS planners and subject matter experts to staff its SRO exercises, but DoS does not have enough qualified personnel to fully meet DoD's requests. As for the Internal Instability Watchlist, in 2009 the Council on Foreign Relations reported that in some ways it duplicates other intelligence community warning products. None of the products are especially valued by decisionmakers

and, in any event, no interagency contingency planning process exists for the warning products to feed into.³⁴

In the absence of an overarching framework for integrated civil-military planning and execution of SROs, a hodgepodge of formal and ad hoc solutions, driven in part by wartime requirements, has emerged. Some of the solutions have been informed by examination of the concepts advocated by S/CRS.

At the interagency level, at least one CRSG-like organization was stood up to coordinate U.S. government actions related to operations in Afghanistan and Pakistan. USAID development advisors have joined DoS political advisors at COCOMs to act as senior advisors to COCOM commanders. At the staff level, a number of COCOMs have established “Joint Interagency Coordination Groups” (or similar constructs) to promote civil-military integration. These groups are staffed by civilians in an ad hoc fashion. In some cases, the civilian staffs are a combination of planners and subject matter experts detailed to the COCOM by U.S. civilian agencies and retirees (contractors) from civilian agencies that the COCOMs recruited. At the tactical level, the S/CRS has sent planning teams that are akin to ACTs to each PRT in Afghanistan. Also at the tactical level, district support teams (which can include local authorities or experts) within each PRT have played a key role in liaising with U.S. military brigades.

As indicated above, policy documents associated with the S/CRS planning framework and IMS indicate an appreciation for the need to plan for tactical, operational, and strategic-level transfers of authority during an SRO. However, with respect to DoD’s hand-off of security and economic lines of operation to U.S. civilian agencies or a supported nation, the experts we interviewed said that such planning is presently “nowhere near” where it should be. It is not conducted routinely because planners are typically overwhelmed by the demands of day-to-day operations.

The former S/CRS, USAID, and DoD officials that we interviewed had a number of recommendations designed to formalize the

³⁴ Paul B. Stares and Micah Zenko, *Enhancing U.S. Preventative Action*, Council Special Report No. 48, New York: Council on Foreign Relations, October 2009, pp. 14–15.

S/CRS, promulgate its Planning Framework and IMS element, and to advance the U.S. government system in the interim as well. Among these recommendations are the following.

The President or Secretary of State must impose order on the interagency bureaucracy and formalize the S/CRS role (or the role of a successor organization) that was approved by the NSC in 2008. The S/CRS or its successor organization should be elevated to a bureau within DoS to enhance its bureaucratic standing. (As mentioned above, this is the State Department's intention, as stated in the 2010 QDDR). In the interim, the S/CRS could continue its more informal role supporting DoS SRO managers by forming what the former S/CRS official termed "SWAT Teams."³⁵ These teams would include S/CRS planners and subject matter experts who are prepared to rapidly staff an SRO manager's planning and coordination team. The S/CRS personnel would not challenge the manager's policymaking authorities but would instead use their expertise to inform his decisionmaking, all the while continuing to promulgate S/CRS processes and methods.

The experts we interviewed agreed that a key Defense Science Board finding remained valid: Better linkages between DoS and the geographic COCOMs should be established to support the planning and execution of SROs.³⁶ Although linkages have improved since the Board's 2005 report, more could be done. One official noted that technical solutions were worth consideration in this regard. The Department of State lacks the resources to deploy the full range technologies that could support better DoS-to-COCOM linkages, and DoD investments should be explored as a possible means of bridging the gap.

Ideally DoS could be persuaded to provide more subject matter experts to COCOMs to promote civil-military integration. Past experience suggests, however, that DoS is unlikely to have the requisite

³⁵ SWAT is an acronym for special weapons and tactics.

³⁶ U.S. Department of Defense, Defense Science Board, *Defense Science Board 2004 Summer Study on Transition to and from Hostilities*, Supporting Papers, Washington D.C., U.S. Department of Defense, January 2005, p. 109.

personnel. Consequently, alternatives should be studied, such as hiring retired experts.

DoD has clearly shown its support for S/CRS. For example, it has transferred funding to DoS to support SROs in accordance with Section 1207 of Public Law 109-163. The U.S. Joint Forces Command (JFCOM) partnered with S/CRS to develop the Planning Framework. DoD is participating in an integrated training strategy that has brought S/CRS professionals to DoD schools, and it has invited S/CRS staff to participate in SRO exercises. However, as noted above, to date U.S. civilian agencies have not been able to fully meet DoD's demand for exercise support. That being the case, DoD should consider bridging the resource gap by hiring retired experts from the Civilian Response Corps' standby component. The standby component provides a good pool of talent for DoD to draw from, and S/CRS would clearly benefit if standby personnel were exposed to the latest SRO issues through their participation in SRO exercises with DoD.

Other experts have suggested additional issues for consideration or measures to advance the development of an integrated U.S. civil-military planning and execution system for SROs. Observers have recommended moving the lead for interagency SRO planning and coordination from S/CRS to a new, standing body of the NSC.³⁷ RAND researchers have noted that the CRSG championed by S/CRS is stood up in times of crisis and thus is not in a position to continuously review existing military contingency plans to "ensure that they support broader U.S. post-conflict plans and objectives."³⁸ Regarding warning, the Council on Foreign Relations advised that the United States should consolidate various country watchlists to create a single, streamlined product and integrate it into SRO planning. Countries of particular

³⁷ Thomas S. Szayna, Derek Eaton, James E. Barnett II, Brooke Stearns Lawson, Terrence K. Kelly, and Zachary Haldeman, *Integrating Civilian Agencies in Stability Operations*, Santa Monica, Calif.: RAND Corporation, MG-801-A, 2009, pp. 126–128; Stares and Zenko, *Enhancing U.S. Preventative Action*, pp. 22–23.

³⁸ Szayna et al., *Integrating Civilian Agencies*, p. 126.

concern would be subject to a mandatory ICAF assessment as the first step toward the initiation of interagency response planning.³⁹

As noted above, policy documents show that the supported government should be included early in U.S. SRO planning. Experts we interviewed strongly endorsed this notion but also implied that the United States needs to make a greater effort to include supported country authorities in transition planning. The SIGIR confirmed that such inclusion is vital to invest the supported government in the projects to ensure that their relations with the United States are normalized.⁴⁰

The SIGIR advises further that “SRO doctrine, policy, and planning should be structured in anticipation of international participation.”⁴¹ SRO planning should also include a coordinated approach to integrating private sector actors into economic operations in a transition zone.⁴²

Military experts at the Peacekeeping & Stability Operations Institute suggested that, when U.S. authorities plan for hand-off at any level, they should bear in mind that they may not have the luxury of executing such transitions when conditions warrant. Instead, they should anticipate that a U.S.–supported country agreement for the drawdown of U.S. forces may drive the pace of military-to-civilian and United States–to–supported nation transfers of authority. Moreover, such agreements must be carefully developed and scrutinized, given that they will strongly influence the scope of security and economic operations that U.S. civilian agencies will be willing to take over from DoD during the drawdown process.

In addition, the U.S. government’s crisis response is often incremental, as decisionmakers struggle to understand the nature of the crisis and its potential future direction and to agree on the U.S. interests at stake. Although there is clearly room for improvement in the U.S. approach to SRO planning and execution, there are limits to what

³⁹ Stares and Zenko, *Enhancing U.S. Preventative Action*, pp. 22–23.

⁴⁰ SIGIR, *Applying*, p. 21.

⁴¹ SIGIR, *Applying*, p. 21.

⁴² Berteau et al., *Final Report on Lessons Learned*, p. 3.

can be achieved by structural and methodological advances. As one veteran observer explained, expectations must be tempered by the realities of the international system. Foreign crises have a life of their own. They do not typically unfold in a linear, predictable fashion that will fit neatly into a management framework designed in Washington.

Contractors as Vehicles for Continuity

The use of contractors as vehicles for continuity in SRO initiatives could apply across most if not all of the DoS's stability sectors. One area where contractors might be accorded an important role is in the hiring of U.S.-contracted police trainers to support a nation's transition from COIN. DoD can hand off its related police training and law enforcement programs to U.S. civilian agencies or to the supported nation's security services; contractors might serve as vehicles for this transition. U.S. civilian agencies might see some advantage in the continuity of operations that could be achieved by maintaining DoD-contracted activities in place. There may be circumstances in which the heavy presence of U.S. military forces in a host country is determined to be counterproductive (e.g., if the local population equates such forces with "occupation"). Under such circumstances, DoD may be compelled to scale back its operations, including the termination of contracted activities. DoD could face the prospect of having to buy out certain types of active contracts, thus paying for services that will not be rendered. DoD might therefore see some advantage in completing the contract's terms by transitioning it to a U.S. civilian agency.

In time, countries transitioning from COIN will be expected to manage SRO-related projects themselves. The consensus is that transitioning contracts to supported-nation management would likely be viable in a narrow range of circumstances where local authorities were engaged early in the process of contract design and implementation.⁴³ PKSOI officials demonstrated how such an approach was used success-

⁴³ Email interviews with experts at DoD's Office of Procurement, Acquisition Policy and Strategic Sourcing, October 24, 2010.

fully by Multinational Division—North (MND-N) to undertake major infrastructure projects. Iraqi authorities essentially executed contracts using U.S. funds. This boosted their legitimacy among the populace. The Iraqi authorities received advice and assistance in contract design and implementation, useful skills in long-term capacity-building. Because the Iraqis were involved early on, MND-N could be reasonably confident that key projects would be sustained once they were handed off to Iraqi government control.

An attempt to transition a contract that has not been coordinated with supported nation authorities would likely be a more difficult proposition. U.S. contracting processes are often worlds apart from those of developing countries. A country would likely prefer to let a new contract and hire its favored companies and individuals. Finally, contractors working for U.S. agencies might balk at the prospect of working for a supported-nation agency for fear that they would not be paid for their services.

In principle, with careful preparation, DoD contracts could be transitioned to U.S. civilian agency management. DoD would have to collaborate with U.S. civilian agencies to determine the types of services and projects that might prospectively be transitioned.⁴⁴ Transferability clauses would have to be written into the contracts. DoD and U.S. civilian agencies would also have to collaborate to determine the impact of the various laws and regulations that govern expenditures by the participating agencies and determine if these could be reconciled with a contract transfer.

U.S. civilian agencies could attempt to inject their own funds into an existing DoD contract vehicle, but only within the terms of congressional stipulations regarding the use of programmed funds. Such a process might be quite complicated and would perhaps require support from a cadre of contract specialists with knowledge of multiple agency appropriations rules. An alternative approach, which might be less complicated, would be for DoD to execute an interagency acqui-

⁴⁴ This would require involving U.S. government contracting professionals early in the SRO planning process, as recommended by the Defense Science Board. See U.S. Department of Defense, Defense Science Board, *Defense Science Board 2004 Summer Study*, pp. 125–126.

sition agreement and provide funding to the civilian agency that had taken over the contract. Using this approach, DoD would essentially be purchasing services from the civilian agency, something the Department routinely undertakes to accomplish a variety of tasks. If there is a determination that transferring contracts is a viable means of facilitating the hand-off of SRO programs from military to civilian agency leadership, U.S. civilian agency contract management and field oversight capacities would have to be expanded.

That said, there are limitations and trade-offs in the use of contractors, which several authors have examined at length.⁴⁵ The assessment of the police training personnel deployed in Iraq and Afghanistan has varied but has often been negative.⁴⁶ Additionally, a GAO report noted in Afghanistan “a failure to clearly define contract requirements and a lack of acquisition and oversight personnel with experience . . . ,”

⁴⁵ See, for instance, Molly Dunigan, “Considerations for the Use of Private Security Contractors in Future U.S. Military Deployments,” testimony submitted to the Commission on Wartime Contracting on June 18, 2010; Sarah K. Cotton, Ulrich Petersohn, Molly Dunigan, Q. Burkhart, Megan Zander-Cotugno, Edward O’Connell, and Michael Webber, *Hired Guns: Views About Armed Contractors in Operation Iraqi Freedom*, Santa Monica, Calif.: RAND Corporation, MG-987-SRF, 2010; and Moshe Schwartz, *Department of Defense Contractors in Iraq and Afghanistan: Background and Analysis*, Washington, D.C.: Congressional Research Service, July 2, 2010.

⁴⁶ A joint Department of Defense and State Department report found DynCorp trainers of the ANP to have “extensive police experience” and “extensive training backgrounds in a variety of police subjects.” See U.S. Department of State and U.S. Department of Defense Inspectors General, “Interagency DoD-DOS IG Assessment of Iraqi Police Training,” July 25, 2005, p. 24. RAND research, however, indicates “wide variation in the quality of DynCorp police trainers . . . some had significant international police training experience and were competent in dealing with police in a tribal society in the middle of an insurgency, but many others had little experience or competence” (Terrence K. Kelly, Seth G. Jones, James E. Barnett, Keith Crane, Robert C. Davis, and Carl Jensen, *A Stability Police Force for the United States: Justification and Options for Creating U.S. Capabilities*, Santa Monica, Calif.: RAND Corporation, MG-819-A, 2009, pp. 108–109). Robert M. Perito notes that “Federal contracting regulations limit the State Department’s ability to supervise closely the selection and conduct of contract personnel, and the quality of American police who have served in Iraq and Afghanistan and earlier peace and stability operations has varied widely” (Robert M. Perito, *The Interior Ministry’s Role in Security Sector Reform*, United States Institute of Peace, Special Report 223, May 2009, p. 14).

resulting in “higher costs, schedule delays, and operational impacts.”⁴⁷ Additional issues include legal uncertainties in the terms of accountability⁴⁸ and a loss for the U.S. government of the intelligence and information that are gained through contacts with local population and police.⁴⁹

Information Systems

Certain types of databases and other information and communications technologies (ICT) could be useful to both U.S. civilian agencies and the supported country. In particular, DoD’s provision of data and databases to U.S. civilian agencies could bolster their ability to support internal security measures, thus enabling DoD to draw down its forces or divert them to other missions.

As one DoD official explained, certain unspecified ICTs were transferred first from DoD to DoS and then to Iraqi control during OIF. However, there was little planning for the actual transition process. This experience suggests that SRO planners should identify the types of ICT that might be transitioned to civilian agency control or to the supported country and should, if possible, plan for the transition process before the SRO commences.

As with contract management, DoD and U.S. civilian agencies have different capacities for managing information systems in the field, which impacts civilian agency capabilities for ICT access. This might be less of a problem in a country with infrastructure supporting Internet connectivity, which would enable authorized U.S. agencies to access information stored in the United States. Alternatively, if certain database systems were deemed beneficial and transferable to U.S. civil-

⁴⁷ U.S. GAO, *Afghanistan: Key Issues for Congressional Oversight*, Washington, D.C.: U.S. Government Printing Office, April 2009, p. 29.

⁴⁸ Terrence K. Kelly, *Options for Transitional Security Capabilities for America*, Santa Monica, Calif.: RAND Corporation, TR-353-A, 2006, p. 28, fn. 27.

⁴⁹ RAND interview with U.S. Marshals Service (USMS) official, Arlington, Va., August 10, 2010.

ian agencies following the drawdown of military forces, they could perhaps be managed by a small DoD team that would stay behind, or by a contractor. For its part, DoS would need to consider any planned accession of DoD information systems in its mission support plan.

A former senior DoS official described one specific kind of data that could benefit a host nation's security operations with limited risk to the United States: biometrics. In 2008, the Iraqis had requested access to information on Iraqis and foreign nationals maintained in DoD biometrics databases. The Iraqis wanted to use the information to screen persons trying to enter the country in order to identify those previously expelled because of their participation in the insurgency or other crimes. DoD denied the request.⁵⁰ Even so, biometrics technology might be useful for host countries with the capacity to access and use it. Foreign governments might, for example, be granted access to streamlined information reports (with sensitive security information removed) on individuals catalogued in the database.

This discussion of the possible transfer of databases raises the wider issue of civil-military information-sharing at tactical levels during an SRO. Numerous U.S. military and civilian officials with SRO field experience explained that information-sharing and continuity of operations is undermined by the lack of standards for ICT systems and related procedures. U.S. military commanders' penchant for bringing new information systems with each rotation into a theater of operations has contributed to conditions wherein military units rotating in cannot effectively extract data from information systems left by their predecessors. Conditions are even more challenging when it comes to tactical level civil-military information-sharing. DoD is working on new approaches to the construction of civil-military collaborative information environments. Until and unless these initiatives come to fruition, the Internet and cellular and satellite phones (where available) will be the only means of connecting the full range of actors in an SRO.

⁵⁰ RAND interview with former senior official, U.S. Embassy Baghdad, Washington, D.C., October 2010.

Military-to-Civilian Hand-Off of Security and Economic Operations

The central issue in a successful COIN transition is the hand-off of security and economic operations from military to civilian agencies. We are concerned here primarily with the hand-off from DoD to other U.S. agencies and to supported nation organizations. The process is similar in cases of limited U.S. involvement, where the hand-off is from the local military to local civilian agencies, with the U.S. playing an advisory role. This chapter assesses the existing and potential gaps in U.S. capabilities and processes related to the military-to-civilian agency hand-off of security and economic lines of operation in a post-conflict environment. As we note in subsequent chapters, examples of such activities include police-led operations, peacekeeping, training and equipping local security forces, reestablishing civil authority, and developing institutional capacity and governance in the country undergoing the transition. A broad understanding of these transitions must consider the tactical, operational, strategic, and international resources that are required for moving a country from conflict to sustained stability.

The hand-off of security and economic activities from the military to civilian agencies does not typically imply an abrupt end to the military's role in such operations.¹ Military forces may lead a wide range of stability and reconstruction initiatives—for example, providing for public safety, humanitarian relief, and essential services in a high-threat environment. Under such circumstances, civilian agencies

¹ See Armstrong and Chura-Beaver, *Harnessing Post-Conflict Transitions*, 2010.

may act in more of an advisory capacity. When the situation permits, military forces may transition lines of operation to civilian agencies, which then lead the efforts. Although the military no longer has the primary responsibility for the conduct of these operations, it may continue at least some degree of field support for the efforts of civilian agencies.

Describing Security and Economic Operations

During large-scale contingencies, U.S. military organizations may need to hand off a wide range of projects and activities to appropriate U.S. government civil agencies. Depending on U.S. objectives, such projects and activities might be primarily focused on maintaining security in the theater of operations. The Defense Department leads security efforts until a permissive environment is established. DoD security operations can be broad in scope and can encompass defeating external and internal threats and protecting local populations. Activities can also include security-sector reform—training police and building or rebuilding host nation criminal justice organizations, as described in Chapter Four.

Projects and activities led by DoD during the transition from COIN might also entail economic operations. Such activities involve stabilization and economic development activities.² The DoD's experience in recent stabilization and reconstruction operations points to the complexities inherent in transitioning both security and economic operations from military to civil leadership.

Military Hand-Off of Security Operations

Military forces may face a wide range of threats during a COIN campaign. Individuals sympathetic to the insurgents can execute terrorist attacks. Organized crime can contribute to a state of chaos. An

² Berteau et al., *Final Report on Lessons Learned*, pp. 7–8.

insurgency might include militias that are well organized and trained to fight in small formations. Insurgents may be supported by governments or by other entities in neighboring countries. Rogue formations or other armed nonstate actors (for instance, local self-defense units that might have been organized outside of the government's control) could also be part of the threat spectrum in a COIN environment.

The military's ability to counter threats of the type described above is essential to the creation of an environment that permits economic operations. If the government that is combating the insurgency can defeat the insurgency or at least create an internal security environment characterized by manageable levels of threat, then there is a window of opportunity for civilian agencies to conduct economic operations in former zones of conflict.

Sustaining Military-to-Military Relations

In cases where the U.S. military is directly involved in combat operations, DoD first leads security operations, then partners with the supported nation military forces. In the final phases, it gradually draws down its forces as the supported nation develops the capacity to assume internal and external security missions without assistance.

Although it is less of a hand-off issue and more one of the evolution of a normalized military-to-military relationship, military experts advise that careful planning is required to transition DoD's association with a supported country's military forces and institutions.³ Planning for the transition should start early. DoD's goal should be to establish a long-term relationship that will enable it to continue to provide for training, advising, and equipping the supported country's military forces; advising defense ministry authorities on a wide range of subjects (e.g., personnel, budget and acquisition planning and execution), and encouraging senior leader engagements. However, instead of providing such assistance under the authority of a combatant commander, these programs would be directed by an Office of Security Cooperation within the U.S. Embassy under Chief of Mission authority.

³ RAND interviews with experts at the Peacekeeping & Stability Operations Institute, U.S. Army War College, Carlisle, Pa., October 2010.

In a December 2009 presentation before the U.S. Institute of Peace, the commander of Multinational Division–North (MND-N) in Iraq described initiatives he was undertaking to set the stage for a long-term military-to-military relationship with the Iraqi Security Forces (ISF) following the drawdown of U.S. forces from the country. The United States and the government of Iraq had agreed that this drawdown would be accomplished by December 2011. In this regard, MND-N had long worked to establish useful relationships throughout the Iraqi security establishment that could be maintained and further developed after December 2011. The command also sought to identify its key “value added” to the Iraqi security forces as U.S. forces prepared to withdraw combat forces from Iraqi cities by June 2009 and depart the country by the end of 2011. MND-N found that the Iraqis valued the provision of specific types of police and military training as well as such “enablers” as intelligence, surveillance, and reconnaissance (ISR) capabilities, route clearance, and explosive ordnance disposal. The command focused on providing the assistance that the Iraqis valued most.⁴

During 2009, MND-N pursued the development of a “partnered distributed command and control” system with the Iraqi security services. The system provided for U.S. military liaisons to be posted to Iraqi operational commands, provincial and district joint coordination centers (manned by personnel from the Iraqi police and military, the U.S. military, and the Sons of Iraq militia group), and Iraqi division- and brigade-level combined tactical operations centers. Various senior leader and less formal engagements with the ISF were also pursued. The MND-N approach enabled the command to maintain situational awareness as U.S. forces drew down, maintain key relationships with the ISF, and continue to provide for training and mentoring of the ISF prior to the transition to a long-term, military-to-military relationship in accordance with the U.S. Central Command’s Military Theater Security Cooperation Plan.⁵

⁴ Major General Robert Caslen, “Withdrawal and Beyond in Iraq: A Discussion with General Caslen,” authors’ notes on presentation before the U.S. Institute of Peace, Washington, D.C., December 8, 2009.

⁵ Caslen, “Withdrawal and Beyond in Iraq.”

Hand-Off of Policing and Public Safety Programs

U.S. military forces initially protect civilians and maintain order. As the security environment permits, the supported nation's military and police forces are expected to gradually take over internal security operations if the country is to achieve sustainable peace and stability. Just as DoD advises and trains the supported nation's military forces during an SRO, DoD may be charged with training police forces as well. DoD is often compelled to fill the training gap until U.S. contractors and other civilian police trainers arrive.

Handing off police activities to U.S. civilian agencies or supported-country control is one of the most complex transition environments DoD will face during an SRO. No single U.S. government agency leads and coordinates what has become a "multiagency array of foreign police training" programs.⁶ That being the case, in a large-scale SRO DoD might face the daunting prospect of having to work with dozens of agencies and contractors to hand off policing programs.

Differing philosophies on requirements for police training complicate DoD's hand-off effort even further. In this regard, DoD-led police training has tended to focus on developing police forces that are paramilitary in nature, with capabilities akin to those of light infantry forces. Properly trained and equipped police of this type can support U.S., coalition, and host nation military forces during counterinsurgency and related internal security operations, all of which support DoD's primary objective of controlling the operational environment to facilitate the conduct of stabilization and reconstruction operations. However, they may lack civilian policing skills.

In contrast, U.S. civilian agencies have tended to focus on training police for traditional law enforcement tasks, which is key to achieving their mission of moving a fragile state to a condition of sustained recovery and stability. Local crime often spikes following a conflict as former insurgents struggle to support themselves and criminals seek

⁶ Interview with military expert, October 7, 2010, Carlisle, Pa.; Dennis E. Keller, *U.S. Military Forces and Police Assistance in Stability Operations: The Least-Worst Option to Fill the U.S. Capacity Gap*, Carlisle, Pa.: U.S. Army War College, Strategic Studies Institute, August 2010, p. 20.

to exploit gaps in law enforcement capacities.⁷ The chaos caused by a crime surge can derail a fragile state's recovery; hence, the civilian agencies' focus on preparing host nation police forces for long-term, traditional law enforcement operations.

The disjointed U.S. approach to training indigenous police and the lack of a coherent vision for police assistance programs can hamper a host country's transition from COIN. It is essential that SRO planners identify requirements for paramilitary-type police forces and for traditional law enforcement organizations, depending on the security environment. Planners must clearly distinguish between the two types of police forces and carefully consider the timing and manner of the transition from one type of force to the other as an insurgency or other threat dynamics wane.⁸

Finally, a leading U.S. expert on policing during COIN and SRO advises that the United States must determine as early as possible the supported country's priorities for police development. The input of the authorities in the supported country is essential to design police training and equipping programs that will be sustained after the departure of U.S. forces.⁹

Hand-Off of Intelligence, Surveillance, and Reconnaissance Programs

Certain types of ISR capabilities and information systems are among the most critical capabilities needed to sustain a transition from COIN to stability. Sustainability is a key factor. During the transition from COIN, U.S. planners must carefully consider the types of U.S.-

⁷ Keller, *U.S. Military Forces*, p. 26.

⁸ Keller, *U.S. Military Forces*, p. 21.

⁹ Robert Perito, U.S. Institute of Peace, interview by authors, October 12, 2010.

developed infrastructure, equipment, and technology that the supported country or U.S. government civilian agencies will be able to maintain.

The U.S. experience in Iraq indicates that intelligence support to local security forces is one of the most valued aspects of partnering with U.S. forces. Similarly, the decline in intelligence support that inevitably comes with the drawdown of U.S. military forces can contribute to a decline in the effectiveness of the supported nation's security forces and place the country's recovery at risk. This consideration also applies to cases of limited U.S. involvement in counterinsurgency if U.S. ISR assets are withdrawn. As discussed in Volume II of this study, ISR platforms and intelligence integration and analysis have been among the most critical U.S. contributions to the success of counterinsurgency campaigns.

DoD has supplied armed unmanned air vehicles (UAVs) to the U.S. Central Intelligence Agency to support counterinsurgency and counterterrorism missions in Afghanistan.¹⁰ The United States should consider future arrangements to ensure that host-country security forces continue to benefit from the ISR capabilities provided by U.S. UAVs. It is conceivable that a consortium type of arrangement could be established to include the United States, the supported country, and perhaps neighboring countries as well. The arrangement would provide for U.S. control of the air vehicles, but with collaborative mission planning and the provision of information products to participating countries. The establishment of combined analysis programs could be explored as well. American UAVs collect far more information than its analytical community can process effectively. A consortium arrangement could spread parts of the analytical burden across multiple countries and contribute to the development of partner-country analytical capabilities.

There is already precedent for such a consortium type approach to UAV operations. The U.S. Pacific Command has cooperated in the establishment of a multinational exploitation center in Singapore to

¹⁰ Greg Miller, "Military Drones Aid CIA's Mission," *Washington Post*, October 3, 2010, p. A1.

share downloaded intelligence for such purposes as disaster relief and anti-piracy efforts. As discussed in Chapter Four, UAVs could have multiple applications to support disarmament, demobilization, and reintegration (DDR) initiatives. Finally, it is conceivable that UAVs could be employed to detect and track threat activities in both the land and maritime domains if desired by participating countries.

Hand-Off of Economic Operations to Civilian Agency Leadership

The preceding discussion gives a sense of the complexities of the hand-off of security operations. The process is no less complicated with regard to economic operations. COIN transitions pose specific problems for reconstruction assistance that differ from (and in some important ways contradict) the requirements of classical long-term development and economic assistance.

Readiness is the first requirement. Post-crisis assistance must be quick in order to seize the “golden moment” after hostilities end and must deliver immediate and visible improvements to the population in order to send a strong “signal that the times have changed” and that there is a peace dividend to be seized.¹¹ Capabilities have to be readily available to be deployed on a timely basis.

Second, post-crisis reconstruction must also be flexible and adaptable, from the programming through the implementation phases. In COIN transition scenarios, the environment is still volatile and may easily shift among different levels of stability.

Third, the military and political effects of economic assistance have to be taken into account to a greater degree than in the case of traditional assistance.

Fourth, to the extent possible, the short-term aims that predominate during the COIN transition need to be reconciled with longer-

¹¹ James Dobbins, Seth G. Jones, Keith Crane, and Beth Cole DeGrasse, *The Beginner's Guide to Nation-Building*, Santa Monica, Calif.: RAND Corporation, MG-557-SRF, 2007, p. 146.

term development goals. For this to happen, consultation and coordination mechanisms must be in place from the early planning phase on.

Fifth, post-crisis reconstruction assistance needs to focus on the most pressing areas that are relevant for the stabilization phase. This usually involves restoring basic public services (security, education, primary health, transportation, and utilities); supporting private-sector development, often with a focus on agriculture (grants for seeds, basic equipment, micro-credit programs); disarmament; small arms and light weapons (SALW) destruction; and social and economic reintegration of ex-combatants.

Provincial Reconstruction Teams

DoS has established or contributed to new organizations designed for operations in the field. For example, in Iraq and Afghanistan, DoS established provincial reconstruction teams in collaboration with DoD and other U.S. government agencies, including USAID. PRTs are designed to strengthen governments at the local level. In Iraq, PRTs are civilian-led structures that rely also on military, U.S. embassy, USAID, and other U.S. civilian agencies and provide capabilities for military commanders performing governance and economic functions. U.S. PRTs in Afghanistan are led by military commanders, although some coalition PRTs are led by civilians or have a dual civilian-military leadership. Teams vary in expertise across an array of issue-areas, including rule of law, governance, public diplomacy, civil affairs, and engineering. Under the PRT system, a host of projects may be implemented, ranging from the building of roads and bridges to providing water and sanitation systems, schools, and medical and health facilities. PRT structures vary according to the operational environment in which they work, among other factors. PRTs accelerate the transition of economic development, security, and justice lines of operation to the supported nation.¹²

¹² Oskari Eronen, *PRT Models in Afghanistan: Approaches to Civil-Military Integration*, Crisis Management Centre, CMC Finland, 2008; Henry Nuzum, *Shades of CORDS in the Kush: The False Hope of "Unity of Effort" in American Counterinsurgency*, Carlisle, Pa.: U.S. Army War College, Strategic Studies Institute, 2010.

Embedded PRTs (EPRTs) were smaller and leaner versions of the PRT embedded with U.S. Brigade (Army) or Regimental (Marine) Combat Teams (B/RCTs). The EPRT was led by someone from DoS, usually a senior Foreign Service officer, and included a USAID representative as deputy leader, a civil affairs officer, and a bilingual cultural advisor. The role of the EPRT was to assess the situation in the B/RCT's area of operations and work with the B/RCT commander to draft a joint common operational plan and recommend the assignment of specialists to implement the plan. In Iraq, EPRTs also played a significant role in reconciling differences between tribal and local entities.¹³ Both types of PRTs worked closely with Iraqi government representatives and members of local communities to identify projects needed by the community.¹⁴ Iraqi involvement at the local level was intended to improve cooperation between the central and local governments and also to enhance the likelihood of project sustainability by investing Iraqis in their success.

The United States Agency for International Development

USAID plays a significant and substantive role in economic operations in COIN and stability operations by fostering economic growth, providing emergency humanitarian assistance, and enhancing democratization and governance. USAID programs are designed to enhance institutional capacity and ameliorate the causes of conflict. The aim of these programs is to mitigate the conditions that feed insurgency and instability. USAID draws extensively on the expertise of its local staff, which is drawn from foreign nationals who understand the unique local context.

In Iraq, USAID collaborates with the PRTs. Major organizational vehicles include the Community Action Program (CAP), which funds projects identified by local representatives and is intended to strengthen

¹³ Blake Stone, "Blind Ambition: Lessons Learned and Not Learned in an Embedded PRT," National Defense University Center for Complex Operations, *Prism*, Vol. 1, No. 4, September 2010; Robert Perito "Embedded Provincial Reconstruction Teams," United States Institute of Peace, February 2008.

¹⁴ These collaborative structures are referred to as Provincial Reconstruction Development Councils (PRDCs).

democratic participation and resolve short-term unemployment problems, and its Community Stabilization Program (CSP), which provides youth programs, micro-financing, support for small businesses, and vocational training. The Local Governance Program (LGP) helps build the management and knowledge skills of local government staff.

Elsewhere within the civilian interagency spectrum, a number of organizations play a supportive role in economic operations. The departments of Health and Human Services (DHHS), Labor (DoL), and Agriculture (DoA) and DoA's Foreign Agricultural Service are also involved in economic operations. The Department of the Treasury's Office of Technical Assistance (OTA), the U.S. Trade and Development Agency, and the Commerce Department's Commercial Law and Development Program are also engaged in various aspects of economic operations, as are the Departments of Energy and Transportation and the Federal Communications Commission.¹⁵

The DoD in Economic Operations

If U.S. military forces or U.S.-supported government forces can defeat an insurgency or at least create an internal security environment characterized by manageable levels of threat, then there is a window of opportunity for civilian agencies to conduct economic operations. However, a nonpermissive security environment might compel military organizations to take on many tasks that are more typically executed by civilian agencies. Such tasks include, for example, restarting economic activity in a specific sector, e.g., by injecting cash into local economies and creating work programs for local nationals in the conflict area.¹⁶

In Afghanistan these programs suffered from a significant disconnect between DoD and USAID. DoD programs tended to be oriented toward stabilization goals that were predicated on the notion that injecting money into the economy would either attract the support of local nationals or jump-start the economy. USAID programs, on the other hand, were built upon longer-term development goals and privileged sustainability as criteria for project selection. There has been

¹⁵ Szayna et al., *Integrating Civilian Agencies*, 2009.

¹⁶ Berteau et al., *Final Report on Lessons Learned*, 2010.

an evolution of the positions on both sides of this debate as a result of learning in theater, but the gap remains.¹⁷

Economic Operations in Iraq

America's experience in OIF usefully illustrates the challenges associated with handing off military economic lines of operation to civilian agency control. Although civilian agencies have been primarily responsible for providing economic assistance in Iraq, DoD funded economic assistance projects aimed at stabilizing local situations. Table 3.1 shows federal funding to DoD and civilian agencies (chiefly USAID) from 2003 to 2009. The volume of funding allocated to DoD economic operations, and to the Commander's Emergency Response Program (CERP) in particular, is notable.

The CERP program has been a major vehicle for DoD economic operations. The program has expanded to become a major source of reconstruction aid, and large-scale projects for infrastructure became a hallmark of the program.¹⁸ Initiated in 2003, CERP was designed to be a tactical-level stabilization tool for funding emergency humanitarian relief and reconstruction projects. The program provided for the hiring of Iraqi workers; thus, it injected cash into local economies. CERP was intended to serve the military's stabilization mission by winning support from the local population.¹⁹ A Quick Response Fund (QRF) was created in 2007 for PRTs as a parallel fund to the CERP. The QRF gave the PRTs access to flexible funds that could support small, quick-disbursing projects for local communities.

As shown in Table 3.1, by late 2009 nearly \$3.6 billion had been allocated to CERP. The program has funded a range of basic needs, such as clothing and livestock, as well as reconstruction activities that

¹⁷ Comments of RAND reviewer Stephen Watts, Washington, D.C., February 2011.

¹⁸ According to the CRS, the average grant in FY 2006 was \$140,000. However, a ceiling was placed on spending amounts per project when Congress capped the maximum at \$2 million, with certification for projects required for amounts over \$1 million. See Curt Tarnoff, *Iraq: Reconstruction Assistance*, Washington, D.C.: Congressional Research Service, August 2009, p. 18.

¹⁹ Mark S. Martins, "The Commander's Emergency Response Program," *Joint Forces Quarterly*, No. 37, 2005, pp. 47–48.

include building wells, roads and sewage systems, providing electric generators, building and rehabilitating schools, and providing micro-grants. CERP assistance was also used to compensate families who lost members or who were injured during the war. In addition, a portion of CERP funds was also committed to paying the salaries of the Sons of Iraq.²⁰

The CERP exposed U.S. commanders and DoD to the vital nature of economic operations during COIN and SROs. DoD created the Task Force for Business and Stability Operations (TFBSO) to promote local purchases by U.S. forces. However, because many of the sources of products that the U.S. forces needed—mostly Iraqi state enterprises—had closed down, much of the first \$50 million appropriated for TFBSO went to restart these entities. Only later did TFBSO begin to expand the scope of its operations and execute a range of economic projects in the conflict zone.²¹ As described by the task force, its activities ran the gamut from “short-term economic stabilization” to “long-term economic development.” Highlights of task force activities in Iraq are described as follows:

Since its inception, [the Task Force] has restored production to over 65 industrial operations, automated Iraq’s private banking sector and fielded modern banking services at over 200 bank branches, driven direct stimulus of over \$4 billion in U.S. government contracts to over 5,000 private Iraqi businesses, fielded agribusiness experts from U.S. land grant institutions to revitalize Iraqi agriculture, assisted the modernization and build out of Iraqi communications infrastructure, and facilitated corporate engagement and foreign direct investment in excess of \$1 billion in 2008 alone.²²

In 2009, U.S. military authorities in Iraq stated that they had identified some 1,200 projects that should be considered and priori-

²⁰ Tarnoff, *Iraq: Reconstruction Assistance*, p. 18.

²¹ Information from former senior official, U.S. Embassy Baghdad, March 2011.

²² The task force’s description of its activities is quoted in Berteau et al., *Final Report on Lessons Learned*, p. 10.

Table 3.1
U.S. Assistance to Iraq (millions of US \$)

Program	Fiscal Year							
	2003	2004	2005	2006	2007	2008	2009	2003–2009
Iraq Relief and Reconstruction Fund	2,475	18,389 ^a (10,389)	-	10.0	-	-	-	20,874.0 (12,874.0)
Economic Support Fund	-	-	-	1,535.4	1,620.8	429.0	541.5	4,126.7
Democracy Fund	-	-	-		250.0	75	-	325.0
INCLE (International Narcotics and Law Enforcement)	-	-	-	91.4	170.0	85.0	20.0	366.4
Treasury Dept. technical assistance	-	-	-	13.0	2.8	-	-	15.8
Migration and refugees assistance	-	-	-	-	65	179.5	249.0	493.5
Nonproliferation, anti-terror, demining	-	-	3.6	-	19.4	20.4	35.5	78.9
Military education and training	-	1.2	-	-	1.1	-	2.0	4.3
International disaster assistance	-	-	-	7.9	50.0	80.0	45.0	182.9
Other USAID funds	469.9	-	-	-	-	-	-	469.9
DoD—Iraqi Security Forces assistance	-	-	5,391.0	3,007.0	5,542.0	3,000.0	1,000.0	17,940.3

Table 3.1—Continued

Program	Fiscal Year							2003–2009
	2003	2004	2005	2006	2007	2008	2009	
DoD—Iraq Army assistance	51.2	-	210.0	-	-	-	-	261.2
DoD—CERP funds	-	140.0	718.0	697.5	748.4	1,280.8	-	3,584.7
DoD—Oil repair	802.0	-	-	-	-	-	-	802.0
DoD—Iraqi Freedom Fund for Business Support	-	-	-	-	50.0	50.0	-	100.0
Total U.S. reconstruction assistance	3,798.1	18,530.2	6,322.6	5,362.2	8,519.8	5,199.7	1,893.0	41,625.6

SOURCE: Adapted from Tarnoff, *Iraq: Reconstruction Assistance*, 2009.

NOTE: The amounts cited in this table were appropriated for a variety of purposes, not just economic operations.

^a Approximately \$8 billion from this account was transferred later to fund the Iraq Relief and Reconstruction Fund.

tized for transition to civilian control. Many of those fell under the CERP program.²³

Hand-Off Challenges During Operation Iraqi Freedom

Although DoD authorities advised early on that CERP efforts “must complement projects and programs of other U.S. government organizations, nongovernment organizations, and local and national efforts,”²⁴ this guidance proved difficult to implement in practice as CERP expanded to become a major source of reconstruction aid and large-scale projects for infrastructure became a hallmark of the program.

Project Coordination, Assessment, and Transfer

Observers report that CERP coordination with other U.S. government agencies was insufficient until ad hoc coordinating bodies were established by Embassy Baghdad. (Multinational Corps–Iraq resisted coordination on CERP, which they said was delegated to field commanders.)²⁵ Similarly, many TFBSO projects were designed and implemented without U.S. civilian agency input or coordination.²⁶ Other practitioners have advised that there was no clear method for evaluating CERP projects and prioritizing them for sustainability. CERP-type projects should be assessed at the outset to determine which ones can have a quick impact and which ones can contribute to long-term capacity-building, the practitioners said. Indeed, one civilian observer explained that well-intentioned CERP projects designed to generate short-term results sometimes undermine long-term development goals. Specifically, the CERP’s reliance on micro-grants as

²³ Berteau et al., *Final Report*, pp. 3, 22.

²⁴ This guidance was offered by Lieutenant Colonel Mark S. Martins, U.S. Army, Deputy Legal Counsel to the Chairman of the Joint Chiefs of Staff. See Martins, “The Commander’s Emergency Response Program,” p. 51.

²⁵ Information from former senior official, U.S. Embassy Baghdad, March 2011.

²⁶ RAND interview with former senior official, U.S. Embassy Baghdad, Washington, D.C., October 2010.

opposed to loans for micro-finance underscores an inherent tension between sustainable and temporary development outcomes.

Once you have [issued a grant], there is no continuing relationship with the grantee. They have your money and no further obligation or relationship with you. Also, you don't build a local institution that may play a longer-term role in development of the community [in the same way] that a microfinance institution would. You also don't know whether the activity [the grantees] are undertaking is profitable. In fact, you may accord the grantee an unfair advantage over someone who has to borrow money from a micro-finance institution or a *hawala*, which would cause resentment and even perhaps aggravate your COIN objectives. Granting money successfully is therefore, difficult.²⁷

Loans, by contrast, tend to foster more of an investment and commitment to endeavors on behalf of the grantee.²⁸

As the U.S. experiences in Iraq and Afghanistan have made clear, the United States needs to develop structures and procedures to coordinate civil and military economic operations.²⁹ A RAND expert noted that in Iraq and Afghanistan, after ten years of wrestling with the issue under two different administrations, such structures have either not been developed or, where developed, still only function with considerable friction and lack of agreement on precise goals and approaches.³⁰ Assessment tools should be developed to analyze the overall short- and long-term impact of projects on sustained economic development, a

²⁷ RAND interview with former senior official, U.S. Embassy Baghdad, Washington, D.C., October 2010. The *hawala* is a form of informal lending that does not involve a physical transfer of money. A third-party broker is given the money owed and holds it until it must be repaid, at which point the funds are given to another hawala broker who settles the debt for a modest fee on behalf of the debtor. The arrangement is based on trust and oral consent rather than on a legal contract or documentation.

²⁸ RAND interview with former senior official, U.S. Embassy Baghdad, Washington, D.C., October 2010.

²⁹ RAND interviews with experts at the PKSIOI, U.S. Army War College, Carlisle, Pa., October 2010.

³⁰ Stephen Watts, review of manuscript.

view shared by others.³¹ Similarly, military and civilian leaders need a system that can provide a comprehensive view of economic development activity in an area of operations. The system should include visualization tools, not just data and statistics on projects.³²

An additional issue in DoD economic operations concerns the identification of the appropriate U.S. civilian agency to take over projects that should be sustained. Military and civilian experts alike point out that civilian agencies have no current methodology, protocols, or system for determining how to categorize projects to ensure that they will be assigned to the appropriate civilian institution for management and implementation. Indeed, because of differences in organizational structure between military and civilian agencies, there may not be a logical organizational counterpart or person to whom a DoD-led project can be handed off.

Civilian Staffing and Continuity of Project Oversight

The consensus among experts and observers is that civilian agencies by and large do not have sufficient capacity to design, implement, monitor, and evaluate the level of contract activity that can be associated with large-scale SROs. A comparison of the State Department's contracting responsibilities before and during the U.S. occupation in Iraq is illustrative. At the onset of the invasion, the State Department spent roughly \$1.2 billion on federal contracts. By 2005, that figure had increased to \$5.3 billion.³³

Civilian agency personnel shortfalls affect capacities for contracting and continuity of project oversight as well. Continuity of project oversight has been a long-standing problem in Iraq. The military has well-established procedures for rotation and replacement. A unit rotat-

³¹ RAND interviews with military experts, PKSOI, Carlisle, Pa., October 8, 2010.

³² RAND interviews with experts at the PKSOI, Carlisle, Pa., October 2010. RAND reviewer Stephen Watts was struck by the problems confronting data collection and management in Kabul. The problem is widely recognized, but it has been difficult to find a way forward to ameliorate it. Comments of RAND reviewer Stephen Watts, Washington, D.C., February 2011.

³³ SIGIR, *Hard Lessons: The Iraq Reconstruction Experience*, January 2009, p. 18.

ing in will overlap with the unit it is replacing. The two organizations thus have time to exchange information regarding ongoing security and economic operations, including contracted activities.

Civilian agencies have not been funded or staffed to permit such rotation procedures. This, combined with personnel shortfalls, has at times led to gaps in the coverage of civilian positions (for instance, on PRTs). U.S. civilian agencies need a unified system to monitor the status of deployed positions and to support personnel management to ensure that positions are filled in timely fashion. Similarly, there is a need for a civil-military contract monitoring system. The system should enable personnel deploying to an SRO to understand the status of ongoing military and civilian-funded projects and whether individual contractors are performing to the contract specifications.³⁴ A status reporting and records system should limit newly arriving units' tendency to "reinvent the wheel" and duplicate existing projects. It should further contribute to limiting waste and provide a window into corrupt practices (e.g., by identifying where project funds are expended wastefully and where performance is substandard). That said, while an improved system to monitor personnel status would make important contributions to ameliorating the problem, it cannot by itself resolve some of the deeper, underlying issues confronting civilian staffing, such as the insufficient number of qualified civilian personnel willing to deploy into counterinsurgency environments.

The Evolution of the PRTs After the Transition

Some observers argue that the PRT is a model for conducting the transition, because civilian and military components were already collaborating from the beginning in what are essentially civilian-led organizations. This civilian-military cooperation provides the basis for a smooth hand-off to civilian responsibility. As the United States continues to withdraw from Iraq, the functions of the PRTs are being absorbed into at least five U.S. consulates throughout Iraq. Some CERP projects are expected to transition to traditional USAID projects at some point.

³⁴ RAND interviews with experts at the PKSOI, U.S. Army War College, Carlisle, Pa., October 2010.

Approximately 10 percent of PRT staff is currently made up of staff from civilian agencies. Those civilians have the ability to move about in Iraq because they have U.S. military escorts to provide for their safety. This will not be the case after the U.S. military withdraws. PRTs also rely on the military for food and housing. Civilian agencies will have to provide these essential needs after U.S. military withdrawal.³⁵

³⁵ Tarnoff, *Iraq: Reconstruction Assistance*, p. 17.

Disarmament, Demobilization, and Reintegration

This chapter discusses the main features of the DDR process, delineating short-, medium-, and long-term goals and necessary prerequisites for DDR programs to be properly implemented. It then looks at the specific role that international police services play in DDR programs, both unilaterally and in conjunction with other states. Finally, it identifies pertinent lessons and extrapolates to current U.S. government thinking on how best to approach and consolidate a post-COIN environment.

The objective of disarmament, demobilization, and reintegration programs is to consolidate the transition by ensuring the full reintegration of ex-combatants into a civilian setting. Ideally, DRR should be implemented in a setting where the armed conflict has stopped or is being reduced to a low level. It should include all insurgent and informal armed formations; be comprehensive and sufficiently well funded to complete implementation; involve a transparent disarmament process backed up with an effective inventory management system and coordination and information-sharing by the agencies involved in the process; and have adequate temporary cantonment areas for the ex-combatants being disarmed. Of course, this doctrinal version of DDR might not be realistic in conditions of widespread poverty and high unemployment. In that scenario, an alternative goal would be to break up the networks and unit cohesion of the insurgency.¹

¹ There is general agreement in the peacekeeping literature that the successful institution of a DDR process has direct and positive effects on post-conflict security. This was highlighted by the Presidential Statement that emerged out of the 2007 Open Debate in the

The Concept of DDR

Definition

The UN defines *disarmament, demobilization, and reintegration* as a “process that targets a determinate number of combatants, whether as individual or groups, belonging to the Armed Forces or armed opposition groups, in order to disarm, demilitarize and reintegrate these persons into civilian life, the Armed Forces or the police.”² According to this definition, DDR is a procedure that can apply both to sub-state rebel groups and the armed forces of a government. In this chapter, however, the focus will be on the former—that is the disarmament, demobilization, and reintegration of insurgent forces. Contained within this overarching conceptualization are the three specific components of disarmament, demobilization, and reintegration, which can be described in the following manner:

- *Disarmament* is concerned with the collection, documentation, control, and elimination of combatant small arms and light weapons (SALW), ammunition, and explosives. The process can also include procedures for administering initiatives designed to manage weapons responsibly.
- *Demobilization* is concerned with decommissioning active combatants in an official and controlled manner. It typically involves

UN Security Council, which explicitly recognized the inter-linkages between stability and the demobilization, disarmament, and repatriation of former combatants. See Statement by the President of the Security Council at the 5632nd Meeting of the Security Council, 20 February 2007 (New York: The United Nations, S/PRST/2007/3, February 21, 2007). See also Michael Brzoska, “Embedding DDR Programmes in Security Sector Reconstruction,” in Alan Bryden and Heiner Hänggi, *Security Governance in Post-Conflict Peace-Building*, Geneva: Geneva Centre for Democratic Control of Armed Forces, 2005, pp. 99–101. For an analysis that rejects the presumed utility of DDR programs in reducing post-conflict armed violence, see Robert Muggah and Keith Krause, “Closing the Gap Between Peace Operations and Post-Conflict Insecurity: Towards a Violence Reduction Agenda,” *International Peacekeeping*, Vol. 16, No. 1, 2009, pp. 136–150. See also Macartan Humphreys and Jeremy M. Weinstein, “Demobilization and Reintegration,” *Journal of Conflict Resolution*, Vol. 51, No. 4, August 2007, pp. 531–567.

² *Integrated Disarmament, Demobilization and Reintegration Standards*, New York: The United Nations, 2006.

the registration and cantonment of fighters in designated camps (or, if necessary, initial temporary holding centers), familiarizing them with fundamental rights and obligations of a given cease-fire/peace accord, and arranging for their eventual return home or to some other point of origin.

- *Reintegration* is initially concerned with assisting ex-combatants make the immediate transition back to civilian life. It entails providing them with subsidies for such basic necessities as food, clothing, housing, medical services, education, and vocational training. Over the longer term, reintegration involves helping former fighters acquire full civilian status and obtain sustainable employment that will guarantee them a regular income. This phase of DDR is essentially a social and economic process that too often is left open-ended and dependent on the active input of foreign donors.

DDR Phases and Prerequisites

DDR is normally thought of as a process that occurs along a linear continuum, with the objectives becoming progressively more complex as it proceeds. The immediate goal is the restoration of stability through the disarmament and decommissioning of armed actors in a conflict. As conditions on the ground improve, the aim expands and focuses on instituting confidence-building measures—usually undertaken in conjunction with nongovernmental organizations (NGOs) and aid workers—both to reduce mistrust between former fighting factions and thereby to foster a suitable environment for “normal” social and economic activities to resume. The final objective of DDR is to consolidate the transition from war to peace by ensuring the full and sustained reintegration of ex-combatants into a civilian setting. This last stage is more likely to be successful if it is integrated with and supported by

a comprehensive set of post-conflict reconstruction and development projects.³

DDR is somewhat different from the more generic “peacekeeping” in that it requires certain conditions to be met if it is to be effectively implemented. Obviously these conditions will vary according to specific contexts; however, four would seem to have applicability across most situations. First, conflict in the targeted area must have completely halted or at least been reduced to a level that combatants feel sufficiently confident to give up their weapons. This normally entails a ceasefire or nominal peace accord and the presence of a credible deterrent force to ensure compliance.⁴ Without this guarantee of security, it is extremely unlikely that belligerents will develop the necessary degree of trust to definitively break the cycle of violence between them.⁵ Northern Ireland, Nepal, Sierra Leone, Liberia, Mozambique, Angola, Indonesia (Aceh), Colombia, among others, all bear testimony to this fundamental requirement.

Second, DDR should include all insurgent and informal armed formations and, in some cases, components of the government armed forces—although, in some cases, DDR may proceed with some factions, but not others, as discussed below. This is vital both to prevent a resumption of hostilities and to help belligerent factions develop a real sense of ownership of the peace process. To further buttress this sense of confidence, institutions should be set up to communicate with combatants at the political and military level and assure them that

³ Massimo Fusato, “Disarmament, Demobilization and Reintegration of Ex-Combatants,” in Guy Burgess and Heidi Burgess, eds., *Beyond Intractability*, Boulder, Colo.: University of Colorado Conflict Research Consortium, July 2003; Albert Carames and Eneko Sanz, *DDR 2009: Analysis of the World’s Disarmament, Demobilization and Reintegration (DDR) Programs in 2008*, Barcelona: Universitat Autònoma de Barcelona, School for the Culture of Peace, July 2009, p. 13. See also Albert Carames and Eneko Sanz, *DDR and Human Security: Post-Conflict Security-Building in the Interests of the Poor*, University of Bradford: Centre for International Cooperation and Security, 2008.

⁴ Experience has shown that DDR cannot drive a peace process. While it can inform and/or reinforce a given ceasefire or accord it cannot precede an agreement.

⁵ Fusato, “Disarmament, Demobilization and Reintegration of Ex-Combatants.”

they are being treated equitably.⁶ The Lome Agreement of 1999, which provided the basis for reconstruction efforts in Sierra Leone, highlights the potential pitfalls of excluding certain groups. The accord was limited to the major parties of the civil war—the government and the Revolutionary United Front (RUF)—resulting in a DDR process that addressed the needs and concerns of only those entities. The sidelining of a number of ex-combatants, such as ethnic Kamajor fighters loyal to deposed President Ahmed Kabbah,⁷ fostered considerable resentment that still lingers to this day and serves to hinder true national reconciliation.⁸

Similar problems have arisen in Aceh. Although generally considered a success, the situation in the Indonesian province remains fragile largely because the Helsinki Accords that ended the GAM conflict did not include civilian militia groups. Of particular note is the military-backed Pembela Tanah Air (Peta, or Defenders of the Homeland), which has some 6,500 members across the province.⁹ Because they were not included in the peace process, they were not required to demobilize or disarm and have since acted as a potential spoiler of stability in Aceh, repeatedly threatening and intimidating ex-GAM fighters after they have returned to their local villages.¹⁰

⁶ Fusato, “Disarmament, Demobilization and Reintegration of Ex-Combatants”; Alan Bryden, “Linkage Between DDR and SSR: Understanding the DDR-SSR Nexus: Building Sustainable Peace in Africa,” paper presented before the Second International Conference on DDR and Stability in Africa, Kinshasa, Democratic Republic of the Congo, June 12–14, 2007, pp. 9, 20.

⁷ Kabbah was deposed by a military coup in 1997 that installed Jonny Koroma as president. The Kamajors fought alongside the Nigerian-led ECOMOG force that was dispatched in 1998 to reinstate Kabbah.

⁸ Bryden, “Linkage Between DDR and SSR,” p. 17.

⁹ Martha Andival, “Ketua Peta Bener Meriah, H. Misriadi MS: Dana Itu Ada Pada Saya?” *Modus Aceh*, July 10, 2008; Martha Andival, “Benarkah Anggota Peta Berjumlah 3000 Orang,” *Modus Aceh*, July 2008.

¹⁰ *Multi-Stakeholder Review of Post-Conflict Programming in Aceh: Identifying the Foundations for Sustainable Peace and Development in Aceh*, Jakarta: Conflict and Development Program, December 2009, p. 125.

On the other hand, in multiparty conflicts, there have been cases of the implementation of a DDR process with regard to one group of combatants but not to others. For instance, Colombia has successfully demobilized the armed formations of the right-wing United Self-Defense Forces of Colombia (AUC), while at the same continuing the counterinsurgency campaign against the FARC. In those cases, the government needs to maintain a credible deterrent force to reassure the demobilized combatants that they would be safe from those who remain under arms.

Third, DDR must be comprehensive. While there are specific phases in the process, they are all interconnected and the completion of each phase is essential to the success of the others. A holistic approach to DDR, by definition, requires the active input and coordination of multiple actors and agencies, in addition to national and local buy-in. Bohol in the Philippines, which only a few years ago constituted a major hub of the Communist New People's Army, is today one of the country's most popular tourist destinations. This transformation (or in local parlance, "normalization") owes itself in no small part to the institution of a fully inclusive consultative process that was enacted among the provincial and national governments, the military, the police, local business interest groups and community representatives. All of these stakeholders were given the opportunity to influence the manner by which ex-combatants would be decommissioned and reintegrated into civilian life once hostilities ended.¹¹

The case of Bohol highlights some of the specific ingredients that are often touted as being integral to the successful institution of a holistic DDR process, including

- a credible institutional mechanism to plan, implement, and oversee the program at the state/governmental level
- the deployment of police and military personnel to carry out pre-defined disarmament and demobilization tasks

¹¹ Chalk interviews, Manila, January 2008 and June 2009.

- the recruitment and dispatch of civilian NGOs and aid workers to provide food, shelter, education, and health care to ex-combatants and those affected by conflict
- local communities that are adequately sensitized to the plight of former belligerents and actively involved in facilitating the social and economic reintegration of these people back into civilian life
- a commitment to follow through with DDR over the long term and link it with post-conflict reconstruction initiatives.¹²

Finally, directly drawing on and related to the last point, DDR programs must have sufficient funding to complete their implementation and cover any unforeseen contingencies or delays. If the DDR process fails to live up to expectations or is allowed to lapse in some manner, it will, at a minimum, significantly undermine the belligerents' confidence in the peace dividend. At worst, it could provide sufficient motivation for a full return to violence and conflict.¹³

A case in point is Colombia. In this instance, over 30,000 AUC fighters entered into a DDR process that was enshrined as part of the so-called Peace and Justice Law (Law 975) of July 2005.¹⁴ Problematically, however, the government estimated that the AUC had no more than 12,000 members, whereas over 30,000 were actually demobilized. As a result, the demobilization process was quickly overwhelmed—something that was compounded by the marginal support it received from the private sector. More than 75 percent of those who entered the program never received a job and complained that Bogota had not

¹² Fusato, "Disarmament, Demobilization, and Reintegration of Ex-Combatants"; Bryden, "Linkage Between DDR and SSR," p. 13; United Nations, *Operational Guide to the Integrated Disarmament, Demobilisation and Reintegration Standards*, New York: United Nations, 2006, p. 39.

¹³ Fusato, "Disarmament, Demobilization and Reintegration of Ex-Combatants;" Brzoska, "Embedding DDR Programmes in Security Sector Reconstruction," p. 100.

¹⁴ The Peace and Justice Law, which derived from the 2003 Santa Fé de Ralito Accord, limited jail terms for the highest ranking members of the AUC to eight years if they confessed the entirety of their crimes and returned all stolen property. More junior paramilitaries who agreed to demobilize were enrolled in an 18- to 24-month program that provided them with a stipend, living accommodations, counseling, and help with reincorporating back into mainstream society.

lived up to its side of the bargain. Initial dissatisfaction translated into widespread disillusionment, driving many to join preexisting criminal gangs (which were never covered by the DDR deal and which, consequently, remained intact during the demobilization process). These reconfigured entities, euphemistically referred to as emerging criminal bands (*bandas criminales emergentes*, or *Bacrim*), are currently among the most prolific and dangerous of Colombia's drug trafficking organizations.¹⁵

Another case in point is the Indonesian province of Aceh. Here, a lack of transparency in funding, combined with administrative confusion and unclear objectives, has resulted in a situation where significant numbers of former GAM rebels remain poor or unemployed. Many of these ex-belligerents have since turned to crime, acting as hired gunmen for local mafia-type groups to extort payments from local businesses who have won public contracts or directly participating in underground activities, such as illegal logging. Indeed, despite the ban instituted by Governor Irwandi Yusuf, a former member of GAM, there is now a thriving illicit forestry business in Aceh, much of which falls under the control of ex-rebels based in the northern and southern parts of the province.¹⁶ The cases of Aceh, El Salvador, and

¹⁵ Chalk interviews, Bogota, March 2009. See also Michael Bustamante and Sebastian Chaskel, "Colombia's Precarious Progress," *Current History*, February 2008, pp. 80–81; Andy Webb-Vidal, "Back from the Dead," *Jane's Intelligence Review*, May 2009, pp. 39, 43; Liz Harper, "Colombian Congress Approves Controversial Bill to Revive Peace Talks," *Online News Hour*, June 24, 2005; Douglas Porch and Maria Jose Ramussen, "Demobilization of Paramilitaries in Colombia: Transformation or Transition," *Studies in Conflict and Terrorism*, Vol. 31, No. 6, 2008, p. 528; Ralph Rozema, "Urban DDR-Processes: Paramilitaries and Criminal Networks in Medellin, Colombia," *Journal of Latin American Studies*, Vol. 40, 2008, pp. 444, 448.

¹⁶ Javier Perez, *Lessons of Peace in Aceh: Administrative Decentralization and Political Freedom as a Strategy of Pacification in Aceh*, Barcelona: Institut Catala Internacional pe la Pau, 2009, p. 42; International Crisis Group, *Aceh: Post Conflict Complications*, ICG Asia Report 139, October 2007, p. 8; International Crisis Group, *Indonesia: Pre-Election Anxieties in Aceh*, ICG Asia Report 81, September 2008, p. 1; Gunnar Stange and Roman Patock, "From Rebels to Rulers and Legislators: The Political Transformation of the Free Aceh Movement," *Journal of Current Southeast Asian Affairs*, Vol. 29, 2010, p. 108. Statistics show that out of 588 acts of violence committed between October 2006 and September 2008, the bulk were the responsibility of former GAM rebels.

other DDR processes show that even the best-executed DDR programs are likely to yield life chances substantially less remunerative than these criminal opportunities. Therefore, DDR programs should be regarded as only one element in a larger process of stabilization.

The prospect of a funding shortfall is now also confronting the United States in Iraq. As plans proceed for the last American combat troops to depart from the country, primary responsibility for handling security in the post-conflict transition stage will progressively be handed over to police and civilian contractors working for the State Department. Assisting with demobilizing combatants, helping to train local police forces, providing security for humanitarian NGOs and implementing public relations campaigns among the wider population are among the activities mandated by Congress. The State Department has announced that this effort will cost nearly half a billion dollars more than originally forecast—placing a considerable strain on funds allocated for operations in Iraq, which have already been significantly slashed for FY 2011. As Deputy Secretary of State Jacob Lew stated, if the budget is not expanded the whole rationale for the stabilization effort in the country becomes questionable: “We can’t spread ourselves so thin that we don’t have the capacity to do the job in places where we put people. If we don’t put people in a place where they have mobility, where they can go out and meet with the people and implement their programs, there’s very little argument for being in the place we send them.”¹⁷

Eligibility Criteria for Inclusion in DDR Programs

A fundamental step in executing any DDR process is to identify those who are eligible for inclusion in such programs. Although peace agreements generally indicate which belligerent *groups* are able to participate in DDR efforts, the development of detailed and transparent criteria for determining *individual* qualification are seldom spelled out

¹⁷ Deputy Secretary of State Jacob Lew, cited in Karen DeYoung and Ernesto Londono, “Skyrocketing Costs Imperil State’s Expanded Role in Iraq: Waning Resources Could Endanger Security Gains, Lawmakers Are Told,” *Washington Post*, August 11, 2010.

and, therefore, need to be part of the initial assessment and planning phase.¹⁸

The most prevalent criterion used for determining inclusion in a DDR process is membership in a designated armed group, ascertained either objectively through external evaluation or subjectively by the militant organization verifying its own cadres. Possession and ability to use a combat weapon is another major standard used to delineate eligibility—largely because it is simple to meet and prove. Commitment to the peace process, either individually or collectively by virtue of being party to a designated armed group, is a third criterion that several countries have adopted. Confirmation that a combatant is a national of the country where the conflict took place and proof that he or she has not been prosecuted for war crimes are additional conditions that have had to be met, although on a somewhat less prevalent basis.¹⁹ Table 4.1 sets out the eligibility criteria and conditions required by 15 countries during 2008.

In general, states can be divided between those that demand strict adherence to specified eligibility criteria and those that have somewhat laxer standards. In the former category, individuals must explicitly meet a set number of standards; in the latter, eligibility might be determined on the basis of just one standard. Obviously, decisions as to how stringently criteria should be applied will be driven by ease of access to relevant data, the availability of a sufficient number of officials to process this information, and the perceived need to institute a process of stabilization as quickly as possible.

Although it is important to accurately delineate those eligible for inclusion in a DDR program, it is equally critical that instituting agencies (national and international) recognize that not all ex-combatants have the same needs. In many cases, there will be categories of belligerents that require special care and attention, such as women and child soldiers.

¹⁸ United Nations Disarmament, Demobilization and Reintegration Resource Centre, “What is DDR?” October 2009.

¹⁹ Carames and Sanz, *DDR 2009*, pp. 10–11.

Table 4.1
Eligibility Criteria in DDR Programming During 2008

Country	Possession of a Weapon	Membership in a Group (Objective)	Membership in a Group (Subjective)	Nationality	Commitment to the Peace Process (Individual)	Commitment to the Peace Process (Group)	Free from Prosecution
Afghanistan	Yes	Yes	Yes	Yes	No	Yes	No
Angola	No	Yes	No	Yes	No	No	No
Burundi	No	Yes	No	No	No	No	No
Chad	No	Yes	Yes	No	No	Yes	No
Central African Republic (CAR)	No	Yes	Yes	Yes	No	Yes	No
Colombia	No	Yes	No	Yes	No	No	No
Cote d'Ivoire	N/A	Yes	No	N/A	No	No	No
Eritrea	No	No	Yes	No	No	No	No
Indonesia	Yes	Yes	No	No	No	No	No
Liberia	No	Yes	Yes	No	No	No	No
Nepal	No	Yes	Yes	Yes	Yes	Yes	Yes
Democratic Republic of the Congo (DRC)	No	No	Yes	No	No	No	No
Rwanda	No	Yes	Yes	Yes	No	No	No
Sudan	No	No	Yes	No	No	No	No
Uganda	No	Yes	Yes	Yes	Yes	No	No

SOURCE: Carames and Sanz, *DDR 2009*.

Women

Women associated with rebel groups are typically inducted for specific sexual purposes and frequently suffer from repeated physical abuse at the hands of their commanders and comrades. In the case of front-line combatants, women are often discriminated against or exploited as “human shields” and made to rely on men to confirm their rank and status. In many instances, they are also abducted or forcibly removed from their families and made to swear allegiance to new “partners” who invariably have little or no concern for their physical or mental well being. If a woman has not actively participated in fighting and is unwilling to be resettled with her adopted husband, she may not qualify to participate in a DDR program and will be effectively left without any support or assistance.²⁰ Eligibility criteria need to be flexible enough to accommodate these situations and should be backed up by special conditions that allow abducted females to register separately from their purported “partners,” to take an applicant’s family background into account, and to extend medical and psychological benefits to fighters and nonfighters alike.

Child Soldiers²¹

Children, some as young as eight years old, serve in approximately 40 percent of the world’s armed forces, rebel groups, and terrorist organizations. They have fought in almost three-quarters of the conflicts that have taken place in the modern era.²² Not only are these combatants exposed to severe methods of recruitment, indoctrination, and deploy-

²⁰ Fusato, “Disarmament, Demobilization and Reintegration of Ex-Combatants”; Peter Singer, “Addressing the Global Challenge of Child Soldiers,” in Alan Bryden and Heiner Hänggi, eds., *Security Governance in Post-Conflict Peace-Building*, Geneva: Geneva Centre for Democratic Control of Armed Forces, 2005, p. 116; Dyan Mazurana and Susan McKay, “Child Soldiers: What About the Girls?” *Bulletin of the Atomic Scientists*, Vol. 57, No. 5, 2005, pp. 31–35; Dyan Mazurana and Susan McKay, “Girls in Militaries, Paramilitaries and Armed Opposition Groups,” paper presented before the International Conference on War-Affected Children, Winnipeg, September 2000.

²¹ A child soldier is defined as a combatant under the age of 18.

²² Statistics drawn from Radda Barnen, Swedish Save the Children “Childwar” Database, October 2008.

ment that involve massive human rights violations, but in many ways they bear the greatest burden once a conflict is over. As such, they are frequently the most difficult to decommission and reintegrate into mainstream society. As Peter Singer observes:

In many ways children bear greater burdens after the conflict is over than their adult counterparts. Many were forced to commit atrocities against their own families and communities, or have physical disabilities and/or psychological scars, which are exacerbated by their youth. Most have special rehabilitation needs. Or, because they were removed from school at an early age, they may have no valuable peacetime skills. Perhaps, though, the most serious long-term consequence is the disruption of psychological and moral development. Many children end up joining new conflict groups elsewhere or becoming involved in criminal activity.²³

Lessons gleaned from past DDR experiences involving underage combatants in Africa and Asia suggest that the needs of child soldiers are best met when these children are

- immediately separated from other ex-belligerents
- quickly discharged from demobilization camps and returned to their point of origin
- enrolled in long-term rehabilitation programs that prioritize both their physical and psychological needs and emphasize family reunification
- supported by long-term, ongoing counseling to help them recover from the negative experience of war and limit the resurgence of asocial and aggressive behaviors
- provided with education and professional vocational training
- given access to suitable employment opportunities that will allow them to earn a sustainable and regular income.²⁴

²³ Singer, "Addressing the Global Challenge of Child Soldiers," p. 119.

²⁴ Fusato, "Disarmament, Demobilization and Reintegration of Ex-Combatants," pp. 124–125; Singer, "Addressing the Global Challenge of Child Soldiers"; UNICEF, "Lessons Learned, DRC," 2002.

DDR and Technical Support

There may be opportunities to lever information technology (IT) and ISR platforms to support certain aspects of the DDR process. These solutions may already be present in government defense inventories or available on the open market; they may require adaptation of existing systems; or they may need development from scratch. In whatever capacity they are found, however, technical packages need to be accessible to expert and nonexpert users alike, readily deployable, hardy enough to function in austere environments, and, in the case of American equipment platforms, transferable in compliance with U.S. export control laws.

There are a number of areas where IT and ISR innovations could conceivably offer a cost-effective means for supporting the individual components of a DDR process, including the vetting and identification of belligerents, tagging decommissioned weapons, monitoring demobilization camps and providing real-time information on the operational environment. Social networking technology may be particularly useful. These revolutionary systems provide a quick and effective means to identify, profile, and link users across a wide spectrum of categories. They are already being used to support unmanned aerial vehicle (UAV) operations in Afghanistan.²⁵ With comparatively little modification, similar “chatrooms” could be developed to log, store, and relay information pertinent for disarmament and demobilization efforts. Moreover, because these systems are based on commercial off-the-shelf technology, they are comparatively cheap and would be easily transferable to supported governments.

In looking at IT and ISR support to DDR, however, it is important to avoid the trap of “technical overkill.” While these systems do offer some promising solutions for DDR applications, in many cases human eyes, face-to-face communication, and pen and paper may be more relevant and practical for monitoring and tracking the post-conflict environment.

²⁵ Christopher Drew, “Military Intelligence Taps Social Networking Skills,” *New York Times*, June 10, 2010.

The Role of International Police in Post-COIN Environments

While national police services will ideally assume the primary role for helping to plan and implement a post-COIN DDR, in many cases police services are lacking in adequate capabilities or credibility among the population. If the political leadership is unable to control the streets because of a gap between military and civilian police forces, it is susceptible to the pressure manifested on the street and is therefore constrained in its ability to confront spoilers.²⁶ In these cases, the effective institution of disarmament and demobilization programs may depend on the input of suitably trained international civilian police (CIVPOL) teams.²⁷

Until fairly recently, training and personnel standards were ad hoc and essentially left to the discretion of the state concerned.²⁸ However, the United Nations Department of Peacekeeping Operations (UNDPKO) has since moved to develop a more uniform set of

²⁶ See Christopher S. Chivvis, "The Dayton Dilemma," *Survival*, Vol. 52, No. 5, October–November, 2010.

²⁷ Sri Lanka is an example where this did not occur. Following the defeat of the Liberation Tigers of Tamil Eelam (LTTE), President Rajapaksa banned any international forces or observers from entering the conflict zone. Responsibility for rounding up and vetting rebel forces was left to national military and special police teams who made little if any effort to distinguish between ex-combatants and civilians. Conditions in cantonment camps were deplorable. To this day, the exact number of people who died while being held, either through disease or at the hands of the security forces, is still not known. The manner in which the Sri Lankan government handled the disarmament and demobilization of ex-LTTE fighters has not contributed to a sense of national reconciliation with the Tamil minority community. See Mark Magnier, "Sri Lanka's Next Task: Win the Peace," *Los Angeles Times*, May 20, 2009; Rhys Blakely, "Tamil Deaths Mount in Camp," *Weekend Australian*, July 11–12, 2009; Chris Patten, "Sri Lanka's Choice and the World's Responsibility," *International Herald Tribune*, January 13, 2010; "Sri Lanka Furious as UN Names War Crimes Panel," *Bangkok Post*, June 26, 2010; and International Crisis Group, *War Crimes in Sri Lanka*, ICG Asia Report No. 191, May 17, 2010.

²⁸ Robert Oakley and Michael Dziedzic, "Policing the New World Disorder," *Strategic Forum*, No. 84, October 1996; Michael Dziedzic and Christine Stark, "Bridging the Public Security Gap: The Role of the Center of Excellence for Stability Police Units (CoESPU) in Contemporary Peace Operations," United States Institute for Peace, Policy Brief, June 2006.

guidelines for determining CIVPOL²⁹ suitability and a model course curriculum for use in peacekeeping. Initial selection usually requires a minimum of five years of regular police service experience; proficiency in map reading; fluency in English and (if necessary) an ability to speak, write, and read the host-nation language; advanced driving skills; at least a basic knowledge of how to maintain light military vehicles; rank/seniority as requested by the United Nations; and peak physical and psychological condition to allow for extended periods of time in conditions of acute hardship and, sometimes, danger.³⁰

The UNDPKO's CIVPOL curriculum is designed to provide a degree of standardization in the preparation and training of police officers to gain and maintain a balanced profile of professionalism and operational proficiency, particularly in the areas of patrolling, liaison, investigation, and assistance to the local population. The curriculum provides a set of baseline guidelines for training in anticipation of a peacekeeping mission but leaves it up to instructors to determine the precise subjects taught and the scope and content of individual modules delivered.³¹ The delivery of the course may in itself require the provision of technical assistance, such as online distance learning, which can be supplied by the UN via bilateral or multilateral arrangement with member states or through major regional organizations such as the European Union (EU), the Association of Southeast Asian

²⁹ It should be noted that the UN has recently dropped the term CIVPOL from its lexicon in preference for UNPOL (on the grounds that police are generally not considered "civilians" and in most cases do not view themselves as such). However, for simplicity's sake, the original term will be used throughout this chapter.

³⁰ Duncan Chappell and John Evans, *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations*, prepared under the joint auspices of the International Centre for Criminal Law Reform and Criminal Justice Policy, The United Nations Interregional Crime and Justice Research Institute, the Centre for International Crime Prevention, the Austrian Study Center for Peace and Conflict Resolution and the Department of Justice of Canada, January 19, 1997.

³¹ See *Peacekeeping Training: United Nations Civilian Police Course Curriculum*, New York: UNDPKO Office of Planning and Support/Training Unit, October 1994; and *United Nations Civilian Police Handbook*, New York: UNDPKO, November 1995.

Nations (ASEAN), the Economic Community of West African States (ECOWAS) and the Organization of American States (OAS).³²

Apart from the UN, a number of specific countries have developed selection and training programs that are widely recognized to be of sufficient breadth and stringency to inform the efforts of other governments called on to provide members for an international police operation.

In Canada, volunteers for a CIVPOL mission must have a minimum of five years police experience (which is the minimum set by the UN). Their service records need to demonstrate strong interpersonal and organizational skills; a proven ability to coach and train people from a wide array of religious, cultural and ethnic backgrounds; and innovation and flexibility in being able to live and work in harsh environments that have few amenities. All applicants have to have appropriate language, map reading and driving skills and all have to take and pass a physical abilities test (known as PARE) and a psychological examination.³³ All personnel who sign up for offshore policing duties undergo specialized training that lasts between two and six weeks depending on the location of the deployment.³⁴ Courses are highly practical in nature and focus on minimum language competency, survival, media relations, and cultural awareness. Modules are taught by all relevant stakeholders in conflict stabilization and include resident nationals of the country where the mission is to take place, diplomats, members of the military, and those with field experience in this type of law enforcement. Actual deployment runs between nine and twelve months, again depending on the specific location of the operation in question.³⁵

³² Chappell and Evans, *The Role, Preparation and Performance of Civilian Police*.

³³ Chalk telephone interview with the Royal Canadian Mounted Police's (RCMP's) International Police Operations Branch, September 15, 2010.

³⁴ Courses for Haiti, for instance, last two weeks while those for Afghanistan take six weeks to complete.

³⁵ Chalk telephone interview with the RCMP's International Police Operations Branch, September 15, 2010. See also Chappell and Evans, *The Role, Preparation and Performance of Civilian Police*.

Australia provides another good example. In this case, a dedicated International Deployment Group (IDG) has been established within the Australian Federal Police (AFP), made up of officers who have volunteered to participate in offshore missions.³⁶ The group currently has a staff of 1,200 personnel, half of whom are overseas at any one time (generally in 16-week blocks, interspersed with one-month home leave). The IDG also includes a special Operational Response Group (ORG), which provides the “hard-end” of police security—dealing with riots and mass public disorder and intercepting belligerents who refuse to adhere to a ceasefire. Those who are to be deployed undergo an intensive month-long period of instruction known as predeployment training (PDT), which is split into three phases. The first incorporates an introductory “e-learning” package that covers United Nations core pre-deployment training modules. The second phase lasts for three weeks and encompasses both UN and AFP specialized practical learning outcomes.³⁷ The final seven days are devoted to immersion training that takes place at a purpose-built IDG “village.” This facility is based in the outlying bush regions of Canberra and is designed to replicate the conditions of a developing country that has recently emerged from a prolonged bout of violence. Participants are exposed to a variety of situations they can realistically expect to encounter, including sudden building fires, public disorder, lack of sanitation, and cramped or sparse

³⁶ The key advantage of the IDG is that it forms a permanent pool of deployable police officers who can be dispatched offshore without having to draw on (and deplete) existing federal police resources involved in more conventional law enforcement work. Moreover, when IDG personnel return from overseas, they are usually “hubbed” in an AFP office in one of Australia’s provincial capital cities (preferably the one from which they originally came), where they can supplement and support ongoing field investigations. They remain there until they are needed for a new mission or are required to undergo an additional training program.

³⁷ UN modules cover community-based policing, human rights standards in the use of firearms and detention, land navigation, mentoring and advising, negotiation and mediation, radio communications, police reform and restructuring, road safety and four-wheel driving, writing reports, and differing police and legal systems. AFP modules cover capacity development techniques, teamwork, command and control, emergency evacuation, hostage survival techniques, patrol and navigation across rugged terrain, communications, assembling and disassembling field equipment, traveling to remote locations via helicopter, operating small watercraft, and basic bushcraft skills.

living quarters, and are assessed on their reaction to these events and conditions. The IDG's PDT is widely recognized around the world and was the first police peacekeeping training regimen to be officially endorsed by the UN.³⁸

A third country that is frequently lauded as a leader in CIVPOL preparation is Singapore. In this instance, the selection criteria include a minimum of ten years of police experience, appropriate language skills, and the ability to drive and maintain a four-wheel off-terrain vehicle. Those selected for training undergo an intensive eight-week course that focuses on mental stress awareness, physical conditioning, intercultural communications, leadership, and lectures on the history of the country where the CIVPOL mission is to take place.³⁹

Besides training and preparation, it is critical that any CIVPOL mission has a clear mandate and that participating elements are confident that they can meet the requirements of the operation. Predeployment assessment and planning thus constitute a significant aspect of any multinational police intervention in a post-conflict area. Normally, this task falls to an advanced multiagency, multinational technical team, which visits the country or region in question to ascertain conditions on the ground and strategize a concept of operations. Objectives, rules of engagement, logistical requirements (medical, housing, and transport), and security contingencies are then delineated and used to inform an integrated mission planning process that each country participating in the CIVPOL request must endorse.⁴⁰

Actual deployment to the post-conflict region will be in phases that respond to the immediate priorities of the situation at hand. However, once in country, the CIVPOL contribution to the DDR process is two-pronged and typically focuses on (1) crime control, law and order,

³⁸ Chalk interviews, AFP officials, Washington, D.C., and New York City, July 2010.

³⁹ Chappell and Evans, *The Role, Preparation and Performance of Civilian Police*; Janet Heininger, *Peacekeeping in Transition: The United Nations in Cambodia*, New York: The Twentieth Century Fund, 1994, p. 80; U.S. General Accounting Office, *UN Peacekeeping: Lessons Learned in Managing Recent Missions*, Washington D.C.: GAO, 1993, p. 45.

⁴⁰ Chalk interview, AFP official, New York, July 2010. "UN Police Roles and Responsibilities," August 1, 2006; Chappell and Evans, *The Role, Preparation and Performance of Civilian Police*.

and provision of security and (2) reform of the law enforcement and criminal justice system. More specifically, mobilization will be directed to three main functions: advice and coordination, monitoring of the local post-conflict environment, and police reform and restructuring.

Coordination and Implementation of the DDR Process

Coordination and implementation of the DDR process takes place at three main levels: strategic, tactical/operational and service delivery. Strategically, the principal tasks are determining who is eligible to participate in the DDR program, ascertaining which sites are most suitable for demobilization camps and weapons collection centers, and establishing precise timetables for disarmament and demobilization. Operationally, most activity revolves around collection, storage, and disposal of SALW; coordination of weapons-for-cash programs; and cantonment of belligerents. Service delivery normally entails providing security and public order in the area of operations and assisting with the transfer of ex-combatants back to their homes or point of origin.

Effectively discharging these responsibilities is critical to the overall DDR process, since it not only lays the groundwork for ongoing post-COIN operations but also often determines the prospects for long-term national stability. Failure to carry out a comprehensive disarmament program can be especially damaging because it could create an atmosphere of insecurity (which can encourage the formation of unofficial local self-defense militias and private armies) and make the return of refugees and internally displaced persons (IDPs) far more difficult.⁴¹ No less significantly, the existence of unaccounted SALW stocks makes it less safe for international relief and humanitarian personnel to function in the post-conflict environment.

Disarmament can occur prior, during, or after demobilization. In El Salvador, former FMLN combatants were allowed to keep their

⁴¹ Adedeji Ebo, "Combating Small Arms Proliferation and Misuse After Conflict," in Alan Bryden and Heiner Hänggi, eds., *Security Governance in Post-Conflict Peacebuilding*, Geneva Centre for the Democratic Control of Armed Forces, 2005, p. 139.

munitions during the entire cantonment process, handing in their weapons only as they departed the camps.⁴² In Iraq, disarmament of the Sons of Iraq (SoI) militia was undertaken in tandem with an effort to provide transitional employment for former Sunni combatants, with the United States playing a key third-party role to ensure that the government made good on its commitments to ex-belligerents.⁴³ In Sudan, members of the Sudan People's Liberation Army were required to relinquish their firearms as a precondition for receiving a basic, ten-week assistance kit to facilitate their initial reintegration into normal life.⁴⁴

Ineffective disarmament often reflects a poorly conceived collection system. This was particularly true of the decommissioning programs instituted in Central America during the 1990s. Many combatants distrustful of the peace process simply arrived at demobilization sites without their weapons. Munitions left in the field, which included surface-to-air missiles, were subsequently stolen and traded on the black market. Even those arms that were collected tended to find their way back to illicit channels due to the absence of an appropriate inventory management system. For example, SALW serial numbers registered by members of the OAS who were monitoring FMLN demobilization were recognized some 15 years later during the AUC demobilization in Colombia. To this day, how and when these weapons reentered circulation remains unclear.⁴⁵

Ineffective disarmament is also frequently the result of misinformed or ill-prepared premission planning. Liberia is a case in point.

⁴² Cate Buchanan and Joaquin Chavez, *Negotiating Disarmament: Guns and Violence in El Salvador Peace Negotiations*, Geneva: Centre for Humanitarian Dialogue, March 2008, p. 21.

⁴³ The SoI were initially paid by U.S. forces and later the Iraqi government to fight al Qaeda-linked militants, act as local self-defense forces, and perform other security-related tasks. For more on the group, see David Gompert, Terrence K. Kelly, and Jessica Watkins, *Security in Iraq: A Framework for Analyzing Emerging Threats as U.S. Forces Leave*, Santa Monica, Calif.: RAND Corporation, MG-911-OSD, 2010, pp. 20–21.

⁴⁴ Carames and Sanz, *DDR 2009*, p. 109. The reinsertion kits included food, mosquito nets, a radio, a single cash payment of \$400 and other goods.

⁴⁵ An Vranckx, "Arms Brokering Control in the Americas," *UNIDIR Disarmament Forum* 3, 2009, p. 26.

The UN mission that was dispatched to that country in December 2003 estimated the number of combatants that needed to be disarmed at 38,000; the actual figure turned out to be well over 100,000. The decision to commence weapons decommissioning despite the lack of accurate data and preparation resulted in a violent reaction by the ex-combatants, many of whom rioted because they did not immediately receive the \$150 allowance promised under the terms of the peace treaty. By the end of the month, nine peacekeepers had been killed, several more injured and well under 50 percent of weapons in the field collected.⁴⁶

Determining the true number of combatants and distinguishing between genuine and fraudulent ex-combatants who are trying to benefit from demobilization incentives can be a problem. In the Colombian DDR program, combatants who demobilize are interrogated at length about their knowledge of the insurgent units with which they were said to be associated in order to determine their bona fides (as well as to generate intelligence).⁴⁷

A third cause of disarmament and demobilization failure is insufficient unity of effort between the police and military. In many cases, the latter simply assume they can fulfill the functions of the former, which reflects a lack of clear understanding of exactly what the police do. The Australian-led peacekeeping mission to Timor-Leste is a case in point. While the mission is generally recognized to have been a success, there were some significant issues of disagreement during the early stages of the operation between the AFP and Australian Defense Force (ADF) commanders concerning the respective roles and functions of

⁴⁶ The decision to commence decommissioning of weapons has been described as a “rush to disarm” in order to show international donors that the UN mission was making progress. See International Crisis Group, *Rebuilding Liberia: Prospects and Perils*, ICG Africa Report No. 75, January 2004, p. 15; Ryan Nichols, “Disarming Liberia: Progress and Pitfalls,” in N. Florquin and E. Berman eds., *Armed and Aimless: Armed Groups, Guns and Human Security in the ECOWAS Region*, Geneva: Small Arms Survey, 2005, p. 124; Carames and Sanz, *DDR 2009*, p. 88; and Ebo, “Combating Small Arms Proliferation and Misuse after Conflict,” pp. 149–150.

⁴⁷ RAND discussion with senior Colombian government official, Washington, D.C., March 2011.

personnel under their charge. According to an AFP commander who oversaw the police contingent, there was initially little trust between the AFP and ADF largely because the military leadership systematically failed to consult with him over the terms and procedures for gun amnesty.⁴⁸

Cantonment is equally important. Accurately identifying combatants eligible for disarmament and demobilization (DD) is vital to ensure a proper accounting of those who need to be accommodated in the peace process. Again, Liberia is a case in point. In that instance, verification was based simply on a combatant surrendering either a weapon in good condition or 150 rounds of ammunition. This extremely low definitional threshold, which was not strictly upheld, allowed some commanders to manipulate lists for their own purposes. According to critics, as many as 40,000 ex-fighters who failed to comply with eligibility requirements participated in DD programs. Carames and Sanz suggest that the high numbers of combatants without verifiable affiliation to an armed group—over one-quarter (see Table 4.2)—appears to indicate that civilians may have seized weapons in order to benefit from DD programming. At the same time, many women and children did not qualify for inclusion because they were unable to furnish a weapon.⁴⁹

Incorrect placement of demobilization camps can also act as a catalyst for inter-ethnic and religious violence. And insufficient security arrangements, particularly in relation to controlling unsanctioned weapons flows, can allow camps to become hubs of endemic criminality and even rebel re-recruitment.⁵⁰ In addition, if ex-combatants are forced to remain in austere holding centers for an extended period of time, there is a high prospect that they will become increasingly dis-

⁴⁸ Chalk interview, AFP official, New York City, July 2010.

⁴⁹ Carames and Sanz, *DDR 2009*, p. 88. See also Amnesty International, *A Flawed Post-War Process Discriminates Against Women and Children*, London: Amnesty International, 2008, p. 24; Nichols, "Disarming Liberia: Progress and Pitfalls," p. 113; Irma Specht, *Red Shoes: Experiences of Girl-Combatants in Liberia*, Geneva: International Labor Organization, 2006, pp. 82–83.

⁵⁰ See, for instance, Singer, "Addressing the Global Challenge of Child Soldiers," pp. 125–126.

Table 4.2
Disarmed Liberian Combatants, by Group

Group	Phase I December 2003	Phase II April–August 2004	Phase III September– November 2004	Total
Armed Forces of Liberia (AFL)	4,164	6,830	1,260	12,254
Liberians United for Reconciliation and Development (LURD)	48	19,721	14,504	34,273
Movement for Democracy in Liberia (MODEL)	11	2,854	10,283	13,148
Militias	12	5,107	10,476	15,595
Other	8,890	16,957	1,902	27,749
Total	13,125	51,469	38,425	103,019

SOURCE: National Commission on Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR), "Joint Implementation Unit, DDRR Consolidated Report Phases 1, 2 and 3," 2004.

illusioned and frustrated, making their eventual return to “normal” civilian life that much more difficult. Although it was not conducting an international CIVPOL mission per se, Sri Lanka is a good example of the pitfalls that can occur through the institution of ineffective cantonment. Not only did inadequate perimeter control of demobilization camps allow an estimated 20,000 of the more than 300,000 Tamils rounded up after the war to escape (including an unspecified number of ex-LTTE cadres), more than 100,000 persons continue to be held in highly unsanitary and rudimentary conditions nearly a year after the cessation of hostilities.⁵¹ Unsurprisingly, the prospect for a successful reintegration of these ex-combatants is now generally considered to be low.

There are several technological platforms that CIVPOL teams could employ to facilitate effective disarmament and demobilization procedures. Deployable biometrics capabilities that include adaptable

⁵¹ Cyril Wimalasurendre, “Nearly 20,000 Escape from IDP Centres,” *The Island* (Sri Lanka), September 30, 2009; Rajesh Venugopal, “Victor’s Spoils: Is Sri Lanka Becoming an Authoritarian State?” *Jane’s Intelligence Review*, June 2010, p. 24.

questionnaires and analytical tools could be levered to confirm and record a DD candidate's identification and assess whether he or she meets specified eligibility requirements. These platforms would need to be sufficiently transparent so that they will be viewed as fair and credible in the areas where they are employed; some could be developed from the existing technologies that the United States has used in Iraq.⁵²

UAVs could be employed to monitor demobilization camps and cue interdictions of unsanctioned movements of personnel and equipment into or out of these sites. To facilitate the latter, CIVPOL units on the ground should ideally be linked with a common communications net to a shared command post where UAV data are interpreted and disseminated.⁵³

A portable inventory management system to tag and register the quantity and type of surrendered munitions could also be applied to avail disarmament efforts and guns-for-cash programs. The incorporation of appropriate tracking technology for individual weapons could be especially useful, both for verifying the location of these components and preventing their theft or unauthorized movement. Presumably, such systems would have additional relevance in terms of enhancing the transparency of and confidence in the efficacy of the disarmament programs.

Monitoring

Post-conflict monitoring is essentially directed toward gauging the actions of all relevant actors and stakeholders who could conceivably affect stability and security, including ex-belligerents, criminals, and local law enforcement officials. A core priority is to observe the behav-

⁵² In Iraq, biometrics are being used to catalogue nationals by means of a verifiable identification (ID) card that is immune to forgery. During account creation, collected information is logged into a central database, which then allows an individual user profile to be created. Even if an Iraqi should subsequently lose his or her ID card, their identity can still be found and confirmed by accessing this information bank. Additional information, such as personal history, can also be added to each account.

⁵³ See, for instance, Oakley and Dziedzic, "Policing the New World Disorder," p. 147.

ior of insurgent commanders and cadres, both to verify that they are abiding by the terms of a given ceasefire or peace agreement and to assess any sign of a possible return to violence.⁵⁴ Most of this monitoring will necessarily focus on demobilization camps, which in the absence of external surveillance could potentially morph into new centers of insurgent radicalization and recruitment.

While technological platforms could have some applicability,⁵⁵ human intelligence (HUMINT) generated from former fighters would undoubtedly provide a far more accurate picture of exactly what is occurring within holding centers. This obviously requires gaining the trust of demobilized combatants, something that would best be served by promoting both a belief in and acceptance of demobilization efforts. Several actions could be taken to expedite this process of confidence-building:

- Ensure that ex-fighters have adequate access to food, water, shelter and medical facilities.
- Establish conflict resolution mechanisms to hear and adjudicate on disputes (and thereby ensure that they do not become a catalyst for renewed violence).
- Provide highly visible police presence that can be accessed on a 24/7 basis.
- Penalize and prevent actions of local law enforcement officers that could foster resentment.
- Formulate aggressive public information campaigns that explain what monitoring units are doing and how their actions are helping to both secure the interests of former belligerents and foster stability in the post-conflict area.⁵⁶

⁵⁴ United Nations Disarmament, Demobilization and Reintegration Resource Centre, “UN Police Roles and Responsibilities,” August 1, 2006.

⁵⁵ For example, CIVPOL could be equipped with deployable surveillance and monitoring packages that have a broad area surveillance and precision identification capability.

⁵⁶ Extractive multinational companies working in conflict-prone areas of Africa and Asia have demonstrated the utility of these types of approaches, something that CIVPOL could easily replicate. For more on the former, see William Rosenau, Peter Chalk, Rennie McPher-

A particular problem confronting community confidence-building efforts is the language barrier. It is extremely difficult to win trust if international police officers cannot communicate with those with whom they are interacting. One of the factors that contributed to the success of the Australian peacekeeping mission to Timor-Leste in 2006 was the ability of IDG officers to speak Bahasa Indonesia, the official language under Indonesian rule.⁵⁷

Tracking crime trends—a classic police function—is equally important, particularly in relation to monitoring arms movements into and out of the conflict area. An essential condition for the early success of any DDR program is to decouple combatants from weapons, not least because possession of weapons represents the key defining features of their former lives as belligerents. While disarmament procedures are integral to this process, preventing any subsequent proliferation is just as (if not more) vital. Not only do unsanctioned SALW movements represent a potential threat to the general process of civilian reintegration, they also are likely to foster gray or black market trafficking networks that can act as a long-term source of instability following a formal end to hostilities.⁵⁸

Checking SALW proliferation generally picks up where official disarmament processes end and typically addresses groups left out of the peace agreement and weapons that have not been fully declared. Although time frames are generally more in the medium-to-long term, as opposed to the short term, this aspect of armament reduction can play a vital complimenting and multiplying role following the end of a formal weapons decommissioning program. A number of strategies can be adopted to help drain surplus weapons stocks in a former conflict area:

son, Michelle Parker, and Austin Long, *Corporations and Counterinsurgency*, Santa Monica, Calif.: RAND Corporation, OP-259, 2009.

⁵⁷ Chalk interview, AFP official, New York City, July 2010.

⁵⁸ For further details on the deleterious effects of SALW movements on national, regional and international stability see Peter Chalk, *Non-Military Security and Global Order: The Impact of Extremism, Violence and Chaos on National and International Security*, London: MacMillan, 2000, pp. 7–12.

- Revise and strengthen laws and policies to better regulate access to and holding of weapons by the police, military, civilians, private security contractors, and civilians.
- Enact voluntary and coercive weapons collection and destruction initiatives.
- Develop controls to secure state-held munitions stockpiles and limit “leakage” into illicit markets.
- Establish weapon-free zones.
- Introduce incentives, such as amnesties and transfer programs, to encourage individuals to hand over illegal firearms they possess.⁵⁹

As part of this weapons reduction effort, a conscious effort should be made to regulate firearms in the hands of the general population. A number of commentators have suggested that one of the main reasons that El Salvador has one of the highest murder rates in the world⁶⁰ is the fact that the general DD process largely failed to incorporate mechanisms and initiatives to control illicit weapons flows to and among civilians.⁶¹

Unlike the monitoring of demobilization camps, IT could have applicability for tracking SALW. Electronic inventory management systems that “tag” individual firearms and link registration numbers to a central database would be especially useful, both for verifying their location and ensuring that any guns relinquished as part of weapons-for-cash programs are not recirculated to combatants or the population at large.⁶²

Beyond weapons movements, it is necessary to monitor general crime trends and be alert for any signs that ex-combatants are

⁵⁹ See, for instance, Buchanan and Chavez, *Negotiating Disarmament*, p. 31.

⁶⁰ In 2006, El Salvador had a homicide rate of 55 for every 100,000 inhabitants. Guns played a major role in these murders, accounting for 80 out of every 100 deaths. See I. Cano, *Living Without Arms? Evaluation of the Arms-Free Municipalities Project: An Experience in Risk-Taking in a Risky Context*, San Salvador: United Nations Development Program El Salvador, 2006.

⁶¹ Buchanan and Chavez, *Negotiating Disarmament*, p. 31.

⁶² Chalk interview, AFP official, New York City, July 2010.

joining or being co-opted into drugs, arms, or human trafficking or other illegal activity. Insufficient attention to this requirement can be highly detrimental to a post-conflict environment because insurgent veterans can substantially enhance the threat potential of preexisting syndicates, allowing them to operate on a more sophisticated and lethal basis.⁶³ The infusion of former belligerents into criminal gangs has been a major source of instability in many countries, including Colombia, Burma, Afghanistan, the former Yugoslavia (Kosovo, Bosnia, Croatia, Serbia) and Tajikistan. As with national law enforcement, HUMINT and visibility would seem to be the most effective way for discerning crime patterns and preventing developments of this sort.⁶⁴ In Darfur, for instance, the Royal Canadian Mounted Police (RCMP) have been especially effective in ensuring that demobilization sites do not degenerate into new hubs of criminal, terrorist, or insurgent recruitment through the institution of “presence patrols.” These not only allow police officers to maintain a constant watch on activities inside camps but also to establish trusted working relationships with cantonment communities that can then act as their “eyes” and “ears” on the ground.⁶⁵

Closely observing illicit activities in a post-conflict zone could also better equip donor police forces to understand the operations of organized gangs in their own domestic jurisdictions. This is an area to which the RCMP is increasingly paying attention, especially given its deployments to countries that have a large diaspora presence in Canada. The Mounties are currently working with the University of Ottawa to develop metrics for tracking how international deployments can shed light on crime trends at home. According to one senior RCMP official, this is paying dividends by helping to make the case that offshore polic-

⁶³ “UN Police Roles and Responsibilities.”

⁶⁴ This does not mean there is no role for IT. Numerous metropolitan police forces in large North American and West European cities, for example, employ mapping and analytical tools to support the preparation of “single voice” tactical and strategic assessments, which could, conceivably, be modified to support international CIVPOL missions.

⁶⁵ Chalk telephone interview, RCMP International Police Operations Branch, September 15, 2010.

ing is not only a good thing in and of itself (in terms of peacekeeping and stabilization) but something that could have a positive bearing on law enforcement in Canada.⁶⁶

A final area of concern in the realm of monitoring relates to observing local law enforcement units that continue to operate in the post-conflict region.⁶⁷ It is essential that these forces are duly vetted so that they comply with international standards of human rights and are prevented from engaging in any abuses or other forms of retribution. Ensuring that police forces act professionally and with due respect for the rights and freedoms of ex-belligerents mitigates the possibility of reigniting the conflict or creating additional sources of insecurity.

The lessons of extractive multinational corporations might be useful in this regard because these companies now frequently include strategies to monitor the behavior of local law enforcement in their overall investment plans. In Papua New Guinea, for instance, Canada-based Placer Dome Inc. instituted a broad program of surveillance to oversee the actions of the mobile security force surrounding its mining concession at Porega. The regime was based on the UN Code of Conduct governing the use of force in conflict zones and consisted of a series of mutually reinforcing controls that needed to be in place before the mobile security force was deployed.⁶⁸

⁶⁶ Chalk telephone interview, September 15, 2010.

⁶⁷ According to the RCMP, in many cases most crime committed in demobilization camps is the work of host nation officials, especially members of the police and army. Chalk telephone interview, RCMP International Police Operations Branch, September 15, 2010.

⁶⁸ Chalk interview, former Placer Dome senior executive, Vancouver, February 2008. See also Rosenau et al., *Corporations and Counterinsurgency*,

Police and Justice Functions

Introduction

Police and justice functions are at the core of political and social order and play a key role in the daily life of populations to whom they provide basic security services.¹ Policing and justice capabilities are particularly important in the transitional stage of COIN. During the period when the government appears to be on the path to winning and levels of violence have been consistently decreasing, a strong and legitimate security sector can ensure that this trend continues. This chapter first discusses how police and justice sector reform can support the transition, what capabilities are required to implement reform in these sectors, and what challenges may be confronted in the process. It then examines how U.S. government agencies have provided or helped to create the conditions for the different capabilities in the fields of transitional law enforcement and justice. To the extent possible, it also

¹ This chapter does not discuss the issue of such “informal police” as security auxiliaries, village militias, or private security companies. This issue, however, deserves a study of its own, as William Rosenau points out: “With the state failing to provide public-safety services, populations have turned elsewhere—to ethnic militias, private security companies, community- and neighborhood based civilian patrols, and to customary courts. The state is not, and is unlikely to become, the sole provider of security, a reality that current US approaches to counterinsurgency do not recognize.” William Rosenau, “*Low-Cost Trigger-Pullers: The Politics of Policing in the Context of Contemporary “State Building” and Counterinsurgency*,” Santa Monica, Calif.: RAND Corporation, WR-620-USCA, 2008, p. 28.

assesses how successful these efforts have been.² An overview of the capabilities and capability gaps of U.S. government agencies involved in supporting police and justice is provided in Appendixes A and B of this monograph.

Insurgents typically target police and justice functions and replace them with their own structures, whenever possible, in a contest for legitimacy and the control of population. An efficient and reliable police and justice system can provide the secure environment that is necessary for any nation-building activity or reform to take place.³ As such, its maintenance, reestablishment, or reform plays an important role in whether a counterinsurgency fails or succeeds and how lasting any success will be. In Malaya, for instance, “winning hearts and minds” was achieved in part by the provision of basic police services by the local law enforcement forces.⁴

Beyond occupying the space that denies insurgents the opportunity to develop their own competing services, police forces also occupy the terrain physically and represent an extension of the government’s presence in areas that would otherwise see little of it. Maintaining or improving police structures in remote areas can be a way to hold territory against the presence, or future return, of insurgents. Police forces also tend, much more than the army, to interact with the population. They develop a deep cultural knowledge of their area of operation and gather sizable amounts of human intelligence. They also tend to suppress civil disorder with less force than armed forces, resulting in a lower risk of antagonizing the population. They ensure that people

² We do not, in this chapter, enumerate the best practices of security sector reform. Such best practices have been captured in documents such as the *OECD DAC Handbook on Security Sector Reform: Supporting Security and Justice*, 2007, or David H. Bayley, “The Contemporary Practices of Policing: A Comparative View,” in *U.S. Department of Justice, Civilian Police and Multinational Peacekeeping—A Workshop Series*, Washington, D.C., October 6, 1997. For best practices on training the police in counterinsurgency, see U.S. Department of the Army, *Counterinsurgency*, Field Manual 3-24, December 2006, paras. 6-98 to 6-103.

³ U.S. Department of the Army, *Counterinsurgency*, para. 1-131.

⁴ William Rosenau, *Low-Cost Trigger-Pullers*, pp. 3–5. On the Malayan police example, see also U.S. Department of the Army, *Counterinsurgency*, paras 6-106.

can freely participate in democratic processes without fear of harm or reprisal.⁵

This assumes that the police behave as a well-trained professional force. However, the reality can be very different. Frequently, the police are much more poorly regarded than the army, which is less connected to the population and therefore less likely to engage in abusive practices. David Gompert and John Gordon note that the police may have “. . . mixed loyalties, grudges and even scores to settle.” The standard way to avoid these disadvantages while gaining the advantage of knowledge of the human terrain, is to have national standards, policies, and general oversight.⁶

Police reform also needs to go hand in hand with an effective justice and court system.⁷ The ability to arrest is useless unless it is coupled with the ability to process criminal cases and detain perpetrators. This, in turn, requires judges with some degree of integrity, along with functioning facilities, from courthouses to prisons. An efficient justice sector can also ensure that criminal violence does not replace insurgency-related violence, as happened in El Salvador. It reestablishes a governmental presence over the national territory (including formerly insurgent-held enclaves), reaffirms the government’s legitimacy by responding to the needs of the population, and contributes to the country’s stabilization by maintaining civil order. A 2005 RAND document found that “The inability to establish a viable justice system has plagued most reconstruction efforts, such as Somalia, Haiti, El Salvador, Panama, and Afghanistan. The elements that underpin any internal security system—the police, military, and justice system—should be regarded as interlinked and interdependent. While it may be necessary to focus on reconstructing the police and security forces during

⁵ This is the description of what a police force should ideally be to counter an insurgency.

⁶ David C. Gompert, John Gordon IV, Adam Grissom, David R. Frelinger, Seth G. Jones, Martin C. Libicki, Edward O’Connell, Brooke Stearns Lawson, and Robert E. Hunter, *War by Other Means: Building Complete and Balanced Capabilities for Counterinsurgency, Final Report*, Santa Monica, Calif.: RAND Corporation, MG-595/2-OSD, 2008, p. 186.

⁷ On this issue, see, for instance Seth G. Jones, Jeremy M. Wilson, Andrew Rathmell, and K. Jack Riley, *Establishing Law and Order After Conflict*, Santa Monica, Calif.: RAND Corporation, MG-374-RC, 2005, p. xii.

the golden hour, substantial resources should quickly be devoted to the justice system.”⁸

The case studies examined in Volume II of this study suggest that police and judicial reform can support the transition by (1) delivering reasonably efficient and impartial justice, i.e., building judicial institutions that work and countering corruption and the culture of impunity that prevails in many COIN theaters; (2) improving police and prosecutorial technical capabilities, that is, relying less on coerced confessions to solve cases and more on forensics and other investigative methodologies; (3) protecting judicial officials and witnesses; and (4) reforming the legal system when there are discriminatory aspects to the legal code that fosters disaffection and insurgency. However, reforming the justice sector presents some very difficult challenges, in some cases requiring a change in a country’s political culture. The record of justice sector-building in Latin America, where these efforts began earlier than in other regions, does not bode well for countries in which the challenges of justice system development are compounded by security concerns and political instability. These challenges are discussed in more detail later in this monograph.

In El Salvador, for instance, police reform played an important transitional role. ONUSAL’s police division helped set up a new National Civilian Police (PNC) and provided it with technical and logistical support. The PNC showed a higher degree of professionalism and effectiveness than the police force that had preceded it.⁹ ONUSAL’s dispensing of human rights instruction to the country’s police officers and magistrates also attempted to hinder the culture of impunity that had contributed to the development of the insurgency. A similar program in the Philippines taught human rights to Philippine National Police (PNP) personnel. In Mali, Algeria trained and equipped the special units in charge of patrolling the northern areas in an attempt to further stabilize the security situation.¹⁰

⁸ Jones et al., *Establishing Law and Order*, p. 103.

⁹ See El Salvador case study in Volume II of this study.

¹⁰ See Mali case study in Volume II of this study.

The Colombia case study shows that the addition of an extra 30,000 police forces was instrumental in the success of the Colombian government's Policy for the Consolidation of Democratic Security.¹¹ In Al-Anbar, the Joint Prosecution and Exploitation Center effectively targeted criminal and terror networks and ensured that captured insurgents were effectively prosecuted. It also organized the training of coalition and Iraqi security forces in case management and crime scene investigation. All these efforts resulted in improved security in the province.¹²

The broader literature on COIN and other case studies suggest additional capabilities that can help a country transition out of conflict. Field Manual 3-07, *Stability Operations*, lists a series of "Primary Stability Tasks" ranging from establishing civil security to supporting war crimes courts and tribunals. It includes establishing public order and safety, establishing an interim criminal justice system, supporting law enforcement and police reform, supporting judicial and justice system reform, and supporting corrections reform.¹³ RAND studies have concurred, noting that establishing civil order, creating police academies, mentoring police trainees, developing technical capacities such as forensic laboratories, building ministerial capacity in personnel and resource management, controlling movement across borders, and protecting critical infrastructure (which in high-threat situations could be a military function) are pivotal tasks in stabilizing a country.¹⁴ Rebuilding infrastructures such as police stations to ensure coverage of the entire territory is another priority. A 2008 U.S. Government Accountability Office (GAO) report notes that in Colombia, the United States "... supported the creation of mobile squadrons of rural police (referred to as "Carabineros"), which have helped establish ...

¹¹ See Colombia case study in Volume II of this study.

¹² See Al-Anbar case in Volume II of this study.

¹³ U.S. Department of the Army, *Stability Operations*, FM 3-07, October 2008.

¹⁴ Kelly et al., *A Stability Police Force for the United States*, pp. 33–34; Jones et al., *Establishing Law and Order*, p. xxiii.

police presence in 169 Colombian municipalities that had no police presence in 2002.”¹⁵

Other tasks may involve a major overhauling of the police and justice institutions. In Kosovo, the Interim Administration Mission in Kosovo (UNMIK) was active in reform legislation, creating a Financial Inspection Unit to combat corruption, and ensuring that the new Kosovo Police Service reflected the ethnic composition of the overall population.¹⁶ UNMIK also appointed judges and prosecutors, overturned the code of law (which was discriminatory against ethnic Albanian Kosovars), provided interim correctional services, reformed the Kosovo corrections system, restored detention facilities, and trained corrections officers.¹⁷

The transition phase of COIN operations presents specific challenges. Policing tasks may be transitioning from military law enforcement to civilian police. Police forces are normally not trained or equipped to conduct their duties in nonpermissive environments, leading the military to perform at least some degree of law enforcement tasks during the high-intensity phases of COIN.¹⁸ A compounding factor is the fact that police officers, as representatives of the government, represent particularly attractive (and usually lightly armed) targets. In Sierra Leone, for instance, 900 police officers were killed during the war between the successive governments that ruled the country and the RUF.¹⁹

The transition between the military and the civilian police in the performance of law enforcement activities can produce delays, creating

¹⁵ U.S. GAO, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, GAO-09-71, October 2008, p. 28.

¹⁶ Jeremy M. Wilson, “Law and Order in an Emerging Democracy: Lessons from the Reconstruction of Kosovo’s Police and Justice Systems,” *Annals of the American Academy of Political and Social Science*, Vol. 605, No. 152, 2006, pp. 159–161.

¹⁷ Jeremy M. Wilson, “Law and Order in an Emerging Democracy,” pp. 161–164.

¹⁸ Rosenau, *Low-Cost Trigger-Pullers*, p. 28.

¹⁹ Sarah Meek, “Policing Sierra Leone,” in Mark Malan, Sarah Meek, Thokozani Thusi, Jeremy Ginifer, and Patrick Coker, *Sierra Leone, Building the Road to Recovery*, Institute for Security Studies (ISS) Monograph No. 80, March 1, 2003, pp. 105–106.

a “security gap.”²⁰ There may still be a need for constabulary policing capabilities after the military has relinquished law enforcement duties, and the police may not be ready to take over even basic policing tasks. As the transition progresses, however, the environment should become less and less hostile, allowing international stakeholders and the country emerging from the insurgency to focus on the three main tasks of “institution-building, routine democratic policing, and the training of indigenous police forces”²¹ that need to take place with regards to the police, justice, and corrections systems. It should be noted, however, that one of the key indicators that an insurgency has moved into a transition phase where the government is prevailing and the level of violence is decreasing is the change in roles between the military (including the forces of the local government and those of any foreign military forces that might be in the country) and the police. Whereas the military might have to assume a leading role in security (and even law enforcement) during the height of the insurgency, it is very important that the police and civilian justice system take over normal law enforcement and security tasks from the military as the COIN effort starts to transition toward greater stability.

Table 5.1 summarizes the capabilities discussed above and disaggregates them in key subcapabilities commonly associated with successful transitions toward stability.

Depending on the context of the insurgency, some of these capabilities will be more or less relevant during the transition phase. There is no standard combination of capabilities that can ensure that a political situation will be stabilized permanently. The capabilities relevant to a specific case depend on several factors related to the insurgency and the situation that predates it. Factors pertaining to the insurgency include its duration, its purpose and the ideology it is founded on, and how much of the social fabric of society it has already destroyed or replaced. The degree to which the public security sector will need to be

²⁰ On this issue, see, for instance, Oakley and Dziedzic, “Policing the New World Disorder,” p. 2, and Otwin Marenin, “The Role of Bilateral Support for Police Reform Processes: The Case of the United States,” *International Peacekeeping*, Vol. 6, No. 4, 1999, p. 106.

²¹ Kelly, *Options for Transitional Security Capabilities for America*, p. 5.

Table 5.1
Key Capabilities in the Fields of Police, Justice, and Corrections

Need	Key Capability	Subcapabilities
Establish public order and safety	Ensure interim maintenance of public order and safety	Protect people and infrastructure Control crowds Conduct investigations (including securing of evidence and witnesses) Gather intelligence Provide emergency response/first responders Provide SWAT capabilities Set up border police
	Assess, train, and mentor police forces	Create/equip/staff police academies and training centers
	Equip the police	Infrastructure Logistics Technical capacities (e.g., forensics)
	Support recruitment and staffing	Improve selection (vetting of candidates) Ensure appropriate representation of all sectors of the population
	Ensure that police respect human rights and rule of law	Teach police ethics Combat corruption
	Ensure adequate police coverage of all territory	
	Promote efficient and reliable institutions	Reform or reestablish the ministry of interior
Support an effective judiciary and penal System	Support rule of law	Teach ethics and human rights Promote an evidence-based system of justice Combat corruption Ensure independence of judges Ensure judicial and witness security
	Support recruitment and staffing	Deploy interim justice personnel if needed Improve selection (vetting of candidates) Ensure appropriate representation of all ethnicities

Table 5.1—Continued

Need	Key Capability	Subcapabilities
	Ensure accessibility of the justice system to the population	Provide sufficient number of courts Build and repair court facilities Create appropriate due process norms Educate population about judicial system and the legal remedies that are available to redress grievances
	Promote efficient and reliable institutions	Reform or reestablish the Ministry of Justice Reform or reestablish the court system Ensure adequate training and selection of judicial personnel
	Support host nation in assessing and reforming its legal code or criminal justice system	Deploy judicial advisors Review current laws Assess judicial processes Assess court administration capabilities and resources
	Support war crimes courts and tribunals (when applicable)	
Support an effective corrections system	Assist in construction and maintenance of secure prisons	Assist the construction and refurbishing of physical correctional infrastructure Develop security systems and procedures
	Support recruitment and staffing	Deploy penal trainers and advisors Improve selection (vetting of candidates) Ensure appropriate representation of all ethnicities among prison staff (if appropriate)
	Implement humanitarian standards in prisons	Facilitate international monitoring Teach human rights standards to prison personnel Preserve and secure penal administrative records and reports

SOURCES: U.S. Department of the Army, FM 3-07, *Stability Operations*; ; Wilson, "Law and Order in an Emerging Democracy"; Gompert and Gordon, *War by Other Means*; Kelly et al., *A Stability Police Force for the United States*; Jones et al., *Establishing Law and Order After Conflict*.

reformed depends, for instance, on the degree to which civil servants have been complicit in abuses on either side of the conflict. Factors pertaining to the preexisting conditions of the insurgency play a role as well. If a country previously had a relatively efficient and capable police force and justice system, these capabilities will likely be easier to reconstitute during the transition process than if there is no institutional basis to build upon.

Additionally, these capabilities are not exclusive to the transition phase and can, in some instances, be usefully initiated at an earlier or later stage of COIN. In many cases, the development of police and justice capabilities takes place over several phases of the conflict. Programs start before or during the transition phase and require consolidation during the stabilization phase.

Building Police Capabilities

The U.S. Experience with Police Assistance

Expeditionary law enforcement is inherently challenging for the United States. Because its police forces in the United States are under the authority of state or local authorities and a limited number of federal agencies perform law enforcement tasks, the United States is not ideally equipped to perform police duties abroad or build the capacity of other nations.²² It also lacks the type of constabulary police force, such as the Italian Carabinieri, that has proven particularly helpful in the past in assisting states during the period of transition when basic policing coexists with the need for constabulary capabilities.²³

²² Otwin Marenin notes, “The USA lacks the organizational capacity to follow the ‘Peacekeeper Model’ (police contingents are on loan from member countries for specified periods, and must meet minimum criteria for deployment) or the ‘Nordic model’ (training in peacekeeping responsibilities has been incorporated into domestic police training, and only police so trained can serve when contingents are called up). Instead, private contractors are used for recruiting and training the personnel necessary for each peacekeeping operation and each reform effort.” Marenin, “The Role of Bilateral Support,” p. 107.

²³ On how constabulary forces are particularly useful in closing the “security gap,” see David T. Armitage, Jr., and Anne Moisan, “Constabulary Forces and Postconflict Transition: The Euro-Atlantic Dimension,” *Strategic Forum*, No. 218, November 2005, pp. 1–7.

In spite of these limitations, the United States has historically been involved in a number of police assistance programs abroad. In the early 20th century, the U.S. Army set up constabulary forces in the Philippines, Nicaragua, and Cuba, while the U.S. Marine Corps did the same in Haiti and the Dominican Republic.²⁴ In the aftermath of World War II, the United States found itself policing its occupation sector in Germany, setting up a U.S. constabulary force, and training the German police.²⁵ In Japan, U.S. authorities reorganized the local police.²⁶ A GAO report notes that “By 1968 the United States was spending \$60 million a year to train police in 34 countries in areas such as criminal investigation, patrolling, interrogation and counterinsurgency techniques, riot control, weapon use, and bomb disposal. The United States also provided weapons, telecommunications, transportation, and other equipment.”²⁷

Some of this training took place in countries where security forces had engaged in human rights abuses. As a result, Congress passed legislation in 1973 and 1974 prohibiting the use of foreign assistance funds to train law enforcement forces abroad.²⁸ The law, however, pro-

The U.S. Coast Guard is the only example of a national-level militarized police force in the American system. The Coast Guard, however, is strictly focused on maritime operations.

²⁴ On these historical experiences, see, for instance, Robert M. Perito, *Where Is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force*, Washington, D.C.: United States Institute of Peace Press, 2004, pp. 53–60, and Maj. Richard D. Orman, “Post-Conflict Resolution: Carrying Forward U.S. Constabulary Operations Lessons Learned to the Global War on Terrorism,” 2004 JSOU & SO/LIC NDIA Essay Contest, Fort Leavenworth, Kan., January 15, 2004.

²⁵ James Dobbins, John G. McGinn, Keith Crane, Seth G. Jones, Rollie Lal, Andrew Rathmell, Rachel M. Swanger, and Anga R. Timilsina, *America's Role in Nation Building: From Germany to Iraq*, Santa Monica, Calif.: RAND Corporation, MR-1753-RC, 2003, pp. 9–11.

²⁶ Dobbins et al., *America's Role in Nation Building*, p. 52.

²⁷ U.S. GAO, *Foreign Aid: Police Training and Assistance*, GAO/NSIAD-92-118, March 1992, p. 1. For more information on the police assistance activities of the United States in the post–World War II period until 1974, see Keller, *U.S. Military Forces*, p. 5.

²⁸ Section 660 of the 1961 Foreign Assistance Act (FAA) states, “On and after July 1, 1975, none of the funds made available to carry out this Act, [...] shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on

vided for exemptions, such as training for counternarcotics purposes or “assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability.”²⁹ The number of these exemptions grew with time to include maritime security, aviation security, assistance to police forces of the eastern Caribbean states, screening techniques, protection of dignitaries, and investigative and forensic skills.³⁰ The President can also waive section 660 of the Foreign Assistance Act (FAA) if “it is important to the national security interests of the United States.”³¹

Expeditionary law enforcement gained renewed attention in the 1990s, with a heightened focus on operations other than war (OOTW) in places such as Haiti and Somalia. The Somalia experience, however, resulted in a more cautious approach to policing in foreign countries. In Bosnia, the United Nations International Police Task Force (IPTF), to which the United States contributed personnel, was not authorized to perform actual police operations. The IPTF was unarmed and put under the protection of the NATO-led Implementation Force and the Bosnian police.³² Security sector reform nonetheless remained a major focus for international engagement. In February 2000, a white paper entitled “The Clinton Administration’s Policy on Strengthening Criminal Justice Systems in Support of Peace Operations” stated, “. . . helping to reestablish an indigenous criminal justice system is often, and appropriately, a fundamental aspect of a successful peace operation or

behalf of any foreign government within the United States or abroad” Foreign Assistance Act of 1961, as Amended (P.L. 87–195), section 660.

²⁹ U.S. GAO, *Foreign Aid: Police Training and Assistance*, p. 3. This restriction applies only to foreign assistance funds, and a number of U.S. government agencies use other appropriations to fund their police training activities. Keller, *U.S. Military Forces*, p. 7.

³⁰ For a more detailed account of the legislative acts that provided these exemptions, see U.S. GAO, *Foreign Aid: Police Training and Assistance*, pp. 8–10.

³¹ Robert M. Perito, *The American Experience with Police in Peace Operations*, Clementsport, Canada: The Canadian Peacekeeping Press, 2002, p. 18.

³² David H. Bayley and Robert M. Perito, *The Police in War: Fighting Insurgency, Terrorism, and Violent Crime*, Boulder, Colo.: Lynne Rienner, 2010, p. 42.

other complex contingency operation.”³³ Overall, legislative impediments to using foreign assistance funds for building the capacity of foreign police forces have not prevented the United States from assisting countries reform their security and justice institutions.

Building Justice and Corrections Capabilities

The U.S. Experience with Justice and Corrections Assistance

Prior to the 1980s, the United States sporadically engaged in developing police, justice, and corrections systems in the context of foreign interventions, including in the Philippines after the Spanish-American War, post-World War II Germany and Japan, and Vietnam. Beginning in the 1980s, such efforts became an element of U.S. development assistance, most concertedly in the context of democratic transitions in Latin America but also in parts of Africa and Asia. Later, police, justice and corrections assistance was also provided to countries undergoing post-communist transitions in Central and Eastern Europe, and then to post-conflict countries, such as Bosnia and Kosovo. Most recently, police, justice, and corrections assistance has been provided on a larger scale in the COIN and COIN transition contexts of Afghanistan and Iraq.

USAID was the primary U.S. agency involved in justice system development in the 1980s and 1990s. More recently, the State Department, through its Bureau of International Narcotics and Law Enforcement Affairs (INL), has played an increasingly significant role, and DoD has been an important player in Iraq and Afghanistan. From the mid-1990s, DoJ has played a modest part as a provider of technical assistance and implementer of programs sponsored by DoS and USAID.

Building justice and corrections systems entails reforming or putting in place new laws, institutions, and processes, with attention to both human and physical resources. The main types of activities

³³ U.S. Department of State, *White Paper: The Clinton Administration's Policy on Strengthening Criminal Justice Agencies in Support of Peace Operations*, February 2000.

undertaken include legal system reform; training of judges, prosecutors, and corrections officers; advising and mentoring judges and prosecutors; court management reform; infrastructure improvement (e.g., building or refurbishing courthouses and prisons); provision of equipment (e.g., computers, copiers, and office furniture); restructuring or other measures to improve ministries of justice, judicial administration bodies, and prison administrations; development of legal aid services; and improvement of legal education. To some extent (as in Afghanistan currently), aid also may be used to support development of informal, nonstate justice mechanisms.

The next section describes the capabilities of U.S. agencies for undertaking such activities. The focus here is on criminal justice since that is likely to be the principal area of concern in COIN transition contexts. Our examples are drawn principally from Iraq and Afghanistan because justice and corrections programs in those countries have been exceptionally large and well funded, compared with efforts elsewhere, and have been conducted in the context of COIN and COIN transition operations.

This discussion of capabilities for planning, funding, and implementing justice and corrections development programs is not intended to address the effectiveness of particular programs. Such an evaluation is beyond the scope of this chapter. However, to put the discussion of capabilities in perspective and to avoid any confusion between agencies' *capabilities* to execute programs and *abilities* to produce desired outcomes, some consideration of the state of the art in justice development is warranted.

Analysts and academics who have studied rule-of-law development programs, including efforts to build justice and corrections systems (the ultimate aim of which, of course, is to develop the rule of law), have found a very limited record of success.³⁴ They also have highlighted a lack of systematic evaluation of such programs and a paucity

³⁴ Corrections system development has attracted less analysis (and in terms of program implementation considerably less funding) than justice system reform. The tasks required, such as infrastructure and record-keeping improvement, guard staff training, and prison management development, would seem to be more straightforward than those required to develop a fair and efficient justice system.

of data indicating what sorts of interventions do and do not work. A key observation is that industrialized democracies have evolved legitimate justice systems over long periods of time and there is much reason for skepticism that nation-builders or counterinsurgents can short-cut such a process, especially in societies that are poor and have low levels of institutional development.³⁵

Even in Latin America, where efforts began earliest (after the end of World War II) and where social and economic conditions would seem more favorable than in the recent crop of countries experiencing post-conflict and COIN interventions, results have been disappointing. Experiences there have shown that “capacity -building” in the justice sector does not necessarily produce better performance. Strategies were based on the faulty assumption that creating the means for courts to function would produce the desired ends. These approaches did not account for the need to change internal behaviors and incentives in order to improve the quality of services; they tended to confuse diagnoses of problems with descriptive characteristics (e.g., if a court system could be described as inefficient, then inefficiency of the court system must be the problem to address with a reform program). Thus, after several decades of reform efforts in Latin America, the search is still on for sound strategic design for justice reform programs.³⁶

³⁵ See, e.g., Charles T. Call, “Introduction: What We Know and Don’t Know about Post-conflict Justice and Security Reform,” in Charles T. Call, ed., *Constructing Justice and Security After War*, Washington, D.C.: United States Institute of Peace Press, 2007, pp. 3–26; and Kirsti Samuels, “Rule of Law Reform in Post-Conflict Countries: Operational Initiatives and Lessons Learnt,” Social Development Papers, Conflict Prevention and Reconstruction, Paper No. 37, October 2006.

³⁶ See Linn Hamnergren, “Toward a More Results-Focused Approach to Judicial Reform,” paper for XI Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública, Ciudad de Guatemala, November 7–10, 2006; and Linn Hamnergren, “Twenty-Five Years of Latin American Judicial Reforms: Achievements, Disappointments, and Emerging Issues,” *The Whitehead Journal of Diplomacy and International Relations*, Winter/Spring 2008.

Challenges in Building Police, Justice, and Corrections Systems in Transition Environments

Although this chapter has examined sequentially the police and justice capabilities that a country needs to have to increase its chances of transitioning successfully from COIN, it is worth repeating here that these capabilities should not be the focus of separate efforts—as they too often are. Having examined the issue of the restoration of a law enforcement capability in the cases of Panama, Somalia, El Salvador, Cambodia, Haiti and Bosnia, Robert Oakley and Michael Dziedzic drew the conclusion that “There is a fundamental need to address judicial and penal issues along with the reconstitution of the public security forces to prevent human rights abuses and corruption. This requires long-term effort and must be addressed at the outset rather than delayed until well after the police force has been dealt with.”³⁷ Reinforcing police and justice capabilities should be an integrated effort because these capabilities build on each other to provide the basic services that the population expects from a functioning state.

Gaps in Policing Capabilities

The examination of the different capabilities available across U.S. government agencies shows that police assistance programs are spread out among a large number of entities, generating inefficiencies, turf wars, and coordination difficulties.³⁸ This issue has been enduring. Already in 1992, the GAO was complaining of “a lot of disparate police training and some interagency competition, but without anyone in charge,” adding that “The absence of centralized monitoring or management leaves the focal point for decision-making at the embassy level.”³⁹ In Afghanistan, another GAO report recommended the DoD and the State Department provide a coordinated plan on their police-related

³⁷ Oakley and Dziedzic, “Policing the New World Disorder,” p. 5.

³⁸ Keller, *U.S. Military Forces*, pp. 14, 16, and 21; see also Bayley and Perito, *The Police in War*, p. 154.

³⁹ U.S. GAO, *Foreign Aid: Police Training and Assistance*, GAO/NSIAD-92-118, March 1992, p. 17.

activities in Afghanistan in 2005, but as of 2008 no such plan had been provided, resulting in coordination hurdles and difficulty in assessing the success of the programs under way.⁴⁰ These issues adversely affected the success of counternarcotics efforts in Afghanistan as well.⁴¹ Such lack of coordination can be particularly problematic when private contractors are involved. In Afghanistan, the Department of Defense and State Department Inspectors General signaled that “Frequently changing contract requirements have led to mistakes, increased cost, and disagreement among the program managers at CSTC-A, program managers at the embassy’s INL office, and officials at DynCorp.”⁴² The report advocated better contract administration and clarification.⁴³ Another issue is the lack of personnel for international deployment of small, specialized agencies, including the International Criminal Investigative Training Assistance Program (ICITAP), whose core capability is the training of police worldwide. As a result, INL routinely resorts to private contractors for police training, leading to issues of oversight and accountability.

The creation of the Civilian Response Corps should help address both interagency coordination and personnel issues. Officially launched in July 2008 by then-Secretary of State Condoleezza Rice, the CRC, under the lead of the State Department’s Office of the Coordinator for Reconstruction and Stability Operations (CRS), is made up of an active and a standby force of personnel detached from the Departments of State, Justice, Homeland Security, Agriculture, Commerce, Health and Human Services, and Treasury, as well as USAID who can deploy rapidly to countries in need. They are to represent a readily available pool of civilian expertise for reconstruction and stabilization

⁴⁰ U.S. GAO, *Afghanistan Security: U.S. Efforts to Develop Capable Afghan Police Forces Face Challenges and Need a Coordinated, Detailed Plan to Help Ensure Accountability*, GAO-08-883T, June 18, 2008, p. 14.

⁴¹ U.S. Department of State and U.S. Department of Defense Inspectors General, “Interagency DoD-DOS IG Assessment of Iraqi Police Training,” p. 26.

⁴² Inspectors General, “Interagency DoD-DOS IG Assessment,” p. 35.

⁴³ Inspectors General, “Interagency DoD-DOS IG Assessment,” p. 36.

missions.⁴⁴ Police and rule of law specialists will make up a large part of the CRC.⁴⁵ The main challenge in building justice systems in COIN transition environments (or, for that matter, in post-conflict stabilization or nonconflict development contexts) is less one of scaling up or adding new technical capabilities on the part of intervening actors, and more one of devising effective and coordinated strategies and methodologies. In other words, the most important gap lies in the effectiveness of the current approaches. Improving strategies and methodologies will require, among other things, recognizing and managing the inherent limitations on the extent to which outside actors can affect outcomes in building a host nation's justice system.

Gaps in Justice Capabilities

In several important respects, building justice systems differs from building police forces and corrections systems in terms of the capabilities needed; the relationship between inputs (e.g., funding, deployed personnel, and provision of equipment) and the likelihood of producing desired outcomes; and the ability of outsiders to promote change within the timescale of a COIN transition.⁴⁶ Experience in many countries has shown that building a justice system is, on the whole, a more difficult and longer-term endeavor. In most of the relevant cases, there has never been a fair, effective, and broadly accessible formal justice system,⁴⁷ even where there have been capable (if undemocratic) policing elements. Consequently, the goal often must be to build, not *rebuild*, the justice system. Building a justice system that contributes to establishing the rule of law depends more on encouraging the adop-

⁴⁴ "US launches civilian rapid response force for world hotspots," AFP, July 16, 2008; "Launch of the Civilian Response Corps of the United States of America," PRNewswire, July 16, 2008.

⁴⁵ Perito, *U.S. Police in Peace and Stability Operations*, p. 3.

⁴⁶ For a discussion of the often unrealistic expectations of what international assistance in building the rule of law can achieve, see Erik G. Jensen, "Justice and the Rule of Law," in Charles T. Call, ed., *Building States to Build Peace*, Boulder Colo.: Lynne Rienner, 2008, pp. 119–120.

⁴⁷ Some countries, such as Afghanistan and Liberia, have vibrant nonstate (also referred to as informal, customary or traditional) justice systems.

tion of processes, principles, and attitudes toward the law and legal institutions than on providing infrastructure, equipment, and technical skills.

The human resource requirements pose a particular challenge for building justice systems. To perform their functions well, judges, prosecutors, and lawyers require high-level skills and education and, at the more senior levels, years of experience. They also require extensive knowledge of their own laws and procedures that cannot readily be transferred by foreign trainers or mentors. Unlike police or corrections personnel, capacity cannot be rapidly expanded by bringing in new recruits. Realistic timelines for meeting justice personnel requirements may be inconsistent with COIN transition timetables.⁴⁸

Implementing institutional reforms in the justice system also faces special challenges. Unlike the hierarchical command structures within police services, many individual actors in the justice system, particularly judges, have, at least in principle, considerable independence and autonomy. In addition, justice systems are typically composed of a variety of separate institutions and groups, including a judiciary, a prosecutorial service, a ministry of justice, the bar, legal aid organizations, and law schools and legal training institutes. Instituting reforms and building a comprehensive system for delivering justice thus requires the consent and participation of multiple agencies and many individuals, both within and outside the public sector.

A challenge that may be especially acute in the COIN transition environment is that remaining insurgents may target justice personnel, particularly judges, as has occurred, for example, in Iraq and Afghanistan.⁴⁹ In such circumstances, especially where a judicial protection service has not yet been established, some judges and prosecutors will be unwilling to perform their functions. The security threat may extend to U.S. and other foreign civilian agency personnel, contractors, and

⁴⁸ It is worth reiterating that the skilled human resource pool available to civilian agencies to deploy overseas to staff justice programs is limited as well. See Joseph R. Cerami and Jay W. Boggs, eds., *The Interagency and Counterinsurgency Warfare: Stability, Security, Transition, and Reconstruction Roles*, Carlisle, Pa.: U.S. Army War College Strategic Studies Institute, 2007, p. 296.

⁴⁹ See SIGIR, *Hard Lessons*, p. 210.

grantees working on justice system development projects. This challenge will make it difficult during the transition period to ensure that courts and other elements of a justice system are functioning in areas not yet fully secured. Although Afghanistan is not yet a COIN transition environment, it is noteworthy that the most successful program to date in the justice arena is development of the centralized counternarcotics justice system, all elements of which (investigators, prosecutors, judges, and a detention facility) are housed together in a high-security facility in Kabul.

The inputs to a justice system—building effort that outside actors can most easily provide—construction of court buildings, equipment, copies of legal materials, and short-term training programs—can improve efficiency. Similarly, adequate infrastructure, equipment, and skills training for guards and managers are integral to the efficient functioning of a corrections system. However, such inputs are not the key determinants of whether the justice system will, in fact, impartially provide services to the population and ensure the rule of law. Technical and practical solutions can resolve technical and practical problems, but the most important problems to overcome in building a justice system tend to be much deeper. The justice system is part of the fabric of the political system, and the reforms that are usually needed to make the justice system fairer and more effective are those that affect the exercise of political power. Developing the rule of law—the ultimate aim of building a functioning justice system—often requires nothing less than changing the political culture.⁵⁰

Gaps That Could Be Filled Through New Research

Justice system development is still a relatively new field of endeavor and one in which analysts routinely lament the lack of systematic program evaluation and empirical and comparative analysis that could be used to better inform program design. Aid organizations may establish performance benchmarks for their justice programs, but they rarely solicit

⁵⁰ In addition, Hammergren points out that there are “serious questions as to whether judicial reform can be advanced in a pervasively corrupt political environment.” Hammergren, “Twenty-Five Years of Latin American Judicial Reform,” p. 100.

independent external reviews. Moreover, justice reform practitioners' practical knowledge and observations are rarely captured and systematized in ways that could be used in designing future projects.⁵¹

The research and analysis tools that can be used for evaluating the effectiveness of justice programs tend to come from the development field and from democratic transition experiences. There is little well-grounded guidance on how such programs should be adapted for post-conflict countries with their special challenges (security issues, political cultures, divided societies, transitional justice issues, and others).⁵² This is even more the case for justice programs in the context of COIN and COIN transition operations. What the relevant contextual distinctions are and how they matter for justice program design should be explored. A much better understanding is needed of how changes in justice systems occur and how desirable changes can be promoted as part of efforts to support COIN transition strategies.

A particular area of weakness is measures of effectiveness.⁵³ Those that rely on tangible, quantifiable indicators, such as numbers of judges trained and numbers of courthouses or jails refurbished, typically reveal little about the actual fairness and effectiveness of a justice system. Measures that rely on public perceptions may be the most useful, although reliable polling can be a challenge in unstable environments and most of the population probably will not have had direct experience with the justice system. Some efforts have been made to address this gap by establishing sets of indicators and measurement

⁵¹ See, e.g., Samuels, "Rule of Law Reform in Post-Conflict Countries," p. 13; Jan Perlin and Michelle India Baird, "Towards a New Consensus on Justice Reform: Mapping the Criminal Justice Sector," July 2008, p. 10; and D. Daniel Sokol, "Law and Development—The Way Forward or Just Stuck in the Same Place?" in Symposium: The Future of Law and Development, Part IV, *Northwestern University Law Review Colloquy*, Vol. 104, 2010, pp. 242–243.

⁵² Samuels, "Rule of Law Reform in Post-Conflict Countries," p. 6.

⁵³ See Center for Law and Military Operations, the Judge Advocate General's Legal Center and School, U.S. Army, *Rule of Law Handbook: A Practitioner's Guide for Judge Advocates*, 2010, chapter 9.

methods, but more work is needed, including systematic testing of proposed measures.⁵⁴

In addition to providing a means for evaluating justice programs, improved measures of effectiveness could help program designers focus on needed outcomes rather than repeatedly putting in place the types of projects whose outputs can be easily measured, such as training and infrastructure improvements.

Responsibility for program evaluation should also be clarified. Currently, evaluations and lessons-learned exercises, to the extent they are done, are generally stove-piped: Agencies examine their own programs, but not each other's. To deepen understanding of the effectiveness of U.S. government-funded programs, systematic examinations of all agencies' collective efforts are needed. The experience in Iraq is ripe for such a comprehensive evaluation, given the number of different agencies involved and the scale of the effort to build the justice and corrections systems. What effects actually were produced? To what extent did the programs contribute to the COIN transition?

Gaps That Could Be Filled Through Improved Planning and Coordination

Strategies for justice and corrections system development have often been criticized; to some extent this criticism is a function of the lack of study of and consensus on what works. To some extent it also results from the challenge of coordinating the programs of multiple U.S. agencies, as well as the other bilateral donor agencies and international organizations that are typically involved in transitions.⁵⁵ Strategies sometimes have been seen as imbalanced as well—with more resources being devoted to police development than to building a justice system, and sometimes very little effort devoted to corrections. The need for more effective, balanced strategies and better coordination is a gap

⁵⁴ See, e.g., John Agoglia, Michael Dziedzic, and Barbara Sotirin, eds., *Measuring Progress in Conflict Environments (MPICE): A Metrics Framework*, Washington, D.C.: United States Institute of Peace Press, 2010.

⁵⁵ See SIGIR, *Hard Lessons*, p. 206, regarding lack of coordination among U.S. government agencies.

that will continually need to be addressed in each new intervention. Addressing the research gaps discussed above could help inform future strategies.

Considerable attention has been paid to a perceived gap in the availability of sufficient numbers of deployable civilian personnel, and to the importance of planning ahead for future deployments. While increasing the pool of deployable personnel for justice and corrections programs would be useful in some respects, it would be a mistake to consider this the principal means of increasing the effectiveness of justice-building efforts in the context of COIN transitions. It has not been demonstrated that the lack of greater numbers of deployable personnel is the main constraint on effectiveness. The justice field is different from policing in this respect. Foreign police can provide security (where they are given authority to engage in policing activities), and they are needed in large numbers to train large numbers of police recruits. Lawyers and judges will rarely be effective justice providers in a foreign country,⁵⁶ and their skill set is less readily transferable through short-term training efforts. In some situations, finding sufficient numbers of interpreters who understand legal terminology and can facilitate training and mentoring of judges and prosecutors has been problematic as well.

Gaps That May Be Filled by International Partners

The U.S. experience in policing activities abroad suggests that, in some instances, partnering with, or relying on, U.S. allies or regional and international organizations may be the most cost-effective way for the United States to build police capabilities in a country transitioning from COIN to stability. This may be the case when, for instance, the United States is perceived negatively for cultural or historical reasons and its involvement in a country's police and justice sector risks damaging the legitimacy of the supported government. In the case of El Salvador, U.S. involvement with the security forces of the previous

⁵⁶ Foreign judges and prosecutors served for a time in the justice system in Kosovo, for example, but that context was similar to an occupation environment, not a COIN transition.

regime required it to assume a secondary role (behind the more “neutral” ONUSAL) in the security sector reform that ensued.⁵⁷

There are two key domains in which international partners may present a clear comparative advantage: the use and training of constabulary forces and the reform of ministries of the interior.

Interim Law Enforcement and Training of Constabulary Forces. COIN transitions are likely to involve, for some period of time, both the military and civilians performing law enforcement tasks simultaneously.⁵⁸ Transitioning from a high-conflict environment to a more permissive one requires community policing capabilities and more specialized capabilities to respond to civil unrest. Constabulary police forces are particularly useful in such hybrid environments, for they combine the ability to do routine policing with capabilities such as riot control or SWAT.

The United States is not well equipped in this regard, but several of its allies are. Over the past 20 years, Italian Carabinieri have been involved in a number of post-conflict operations—in El Salvador, Bosnia, Kosovo, Lebanon, Mozambique, and East Timor.⁵⁹ The French Gendarmerie has been involved in Haiti, El Salvador, Cambodia, Somalia, and the Balkans, among other places.⁶⁰ The recently constituted European Gendarmerie Force builds on this experience and those of other forces, such as the Spanish Guardia Civil, the Portuguese Republican Guard, and the Dutch Marechaussee, to constitute a rapidly deployable force. Constabulary-type skills represent a pool of expertise that the United States could try to use more broadly through international and bilateral cooperation in the context of COIN transitions. For more discussion of these capabilities, their promise, and their inherent limitations, see Chapter Six.

Ministry of Interior Reform. The United States could also rely on international partners for institution-building, especially when it comes

⁵⁷ Marenin, “The Role of Bilateral Support,” p. 101.

⁵⁸ Oakley and Dziedzic, “Policing the New World Disorder,” p. 2.

⁵⁹ Arma dei Carabinieri web site, “Mission Abroad,” n.d.

⁶⁰ Armitage and Moisan, “Constabulary Forces and Postconflict Transition,” p. 2.

to reforming the ministry of interior that many countries put in charge of managing police forces.⁶¹ Robert Perito notes that, in the cases of Iraq and Afghanistan, there was a shortage of the skills that would have been needed for this effort: “No American adviser had worked in an interior ministry responsible for managing a national police force. Few of those selected had held senior executive positions in major city or state police departments.”⁶² Interior ministry reform may be an area where U.S. allies could usefully contribute their expertise.⁶³ Countries whose administrative and legal system bears the closest resemblance to the one in the country in the process of transitioning should be identified early on and should provide, whenever possible, advisors or expertise to the country leading the stabilization effort.

These examples illustrate domains in which the involvement of international partners may be beneficial to the United States when it is assisting a country in transition from COIN. It is important to recognize, however, that involving international organizations or allies may cause its own problems, especially because it further complicates coordination. With regards to the reform of the Afghan Ministry of the Interior (MoI), for instance, several countries ended up sending mentors to the same ministry officials, to whom they provided conflicting advice.⁶⁴

⁶¹ On this issue, particularly applied to the case of Iraq, see Perito, *The Interior Ministry's Role in Security Sector Reform*, p. 7; and Gompert et al., *War by Other Means*, p. 229.

⁶² Perito, *The Interior Ministry's Role in Security Sector Reform*, p. 14.

⁶³ Perito, *The Interior Ministry's Role in Security Sector Reform*, p. 10.

⁶⁴ U.S. GAO, *Afghanistan Security: U.S. Programs to Further Reform Ministry of Interior and National Police Challenged by Lack of Military Personnel and Afghan Cooperation*, GAO-09-280, March 2009, p. 8; Robert M. Perito, *Afghanistan's Police: The Weak Link in Security Sector Reform*, United States Institute of Peace, Special Report No. 227, August 2009, p. 12.

The Contribution of International Partners

The vast majority of COIN transition operations since the end of the Cold War have taken place in a multilateral context. Even in cases where the United States provides the bulk of the military forces for COIN operations, other countries and international organizations have worked alongside the United States toward the same end. In Iraq, the UN and the EU are both engaged, as are the armed forces and civilian staff of a wide range of countries. In Afghanistan, 28 NATO member states are involved, directly or indirectly, in COIN and stabilization operations. Malaysia has provided a 40-person medical team, including Muslim female doctors, who work alongside New Zealand Defense Force personnel in Bamiyan province.

The EU has run a police training operation parallel to NATO efforts to train Afghan police and military forces. Several allies have PRTs or operational mentoring and liaison teams (OMLTs) that provide COIN transition capabilities. In smaller operations where the United States is not the lead actor, the capabilities of U.S. partners and relevant international organizations is equally critical, if not more so.

COIN transitions will therefore likely involve multiple actors, with allies and international organizations often providing, in part or in full, the critical capabilities needed to ensure a successful transition from armed conflict to stability. This chapter describes the capabilities that key allies and international organizations possess in this field. In some cases, these capabilities overlap U.S. capabilities and may serve to augment U.S. efforts. In other cases, allies can provide essential capabilities that the United States partially or wholly lacks. Allied capabili-

ties include expertise in establishing the rule of law, local knowledge and intelligence networks in certain regions, economic tools, and technical advisors. As discussed in the preceding chapter, a particular area in which some allies possess critical capabilities that the United States lacks is in constabulary policing.

Allied contributions to COIN transitions are naturally subject to domestic and international political constraints, just as contributions from international organizations are normally subject to constraints stemming from consensus decisionmaking and the particular culture and mission of the organization itself. Other constraints also exist, including geography and resource limitations imposed either by the tempo of operations elsewhere in the world or the prevailing budgetary and financial climate of the contributing state. In short, partners' capabilities cannot be viewed as assets that will always be readily available to the United States.

Nevertheless, as the foregoing chapters show, the United States is not prepared, and cannot be expected, to supply every capability in every situation. Nor, in practice, has it always been required to do so in the past. Some level of international cooperation can be expected and should be welcomed, insofar as it frees the United States from responsibility in certain areas and enhances the overall political legitimacy of operations at the strategic level. A clear picture of the COIN-transition capabilities of allied forces and major international organizations is thus an important part of this study.

Transition-Relevant Capabilities of International Institutions

Among the key international institutions most likely to contribute to a COIN transition are the United Nations, the European Union, the Organization for Security and Cooperation in Europe (OSCE) and the African Union (AU). This section looks briefly at each, explaining in broad terms the role they might play and the circumstances under which they might become involved in post-COIN operations.

United Nations

After the Cold War, the UN began developing capabilities for comprehensive peacekeeping operations of the kind needed to deal with the threat of today's internecine wars and to address the problems of the fragile states in which these wars often occur.¹ The UN now deploys comprehensive peacekeeping forces in several global contexts, though primarily to the world's poorest countries, especially those in Africa. The broad legitimacy enjoyed by UN Security Council-mandated operations in general allows the UN to undertake missions at lower cost than other countries, though often with troops of somewhat lower quality, because of the reluctance of U.S. and European states to place military personnel under UN authority.

In recent years, UN operations have involved growing numbers of civilian and paramilitary police, normally coordinated with military actions and sometimes coordinated with rule-of-law or other state-building efforts. Although the United Nations does not conduct classical counterinsurgency operations, since the 2000 Brahimi Report, it has increasingly focused on developing the kind of civilian capabilities necessary for complex peacekeeping operations.² Many of these capabilities are also relevant to COIN transitions. As discussed below, the UN's recent increase in the use of various kinds of police and its experimentation with rule-of-law operations are particularly relevant to COIN transitions.

UN capabilities are subject to a number of important constraints. Foremost among these is the need for a UN Security Council resolution for an operation to take place. Normally, UN forces are not heavily engaged in operations where U.S. or NATO forces are. As noted, in Kosovo, the EU operates closely with NATO, despite political dif-

¹ See, among others, James Dobbins, Seth G. Jones, Keith Crane, Andrew Rathmell, Brett Steele, Richard Teltschik, and Anga R. Timilsina, *The UN's Role in Nation-Building: From the Congo to Iraq*, Santa Monica, Calif.: RAND Corporation, MG-304-RC, 2005; Mats Berdal and Spyros Economides, *United Nations Interventionism, 1991–2004*, updated edition, Cambridge: Cambridge University Press, 2007.

² Report of the Panel on United Nations Peace Operations, published in October 2000. The panel was asked to assess the shortcomings of the then existing system and make recommendations for change.

facilities. The UN does not engage in COIN, although UN civilians have been helpful in transitions in Kosovo (where they administer the country), Afghanistan, and Iraq. UN military personnel also oversee and secure the implementation of peace accords. The UN has a great deal of experience in this area, and most of what we know about the process derives from UN experience.

European Union

For the last decade, the EU has been developing civilian and military capabilities relevant to peacekeeping, state-building, disaster relief, and other types of nontraditional security operations. Many of the capabilities they have developed are also potentially relevant to COIN transitions.³

It should be noted from the outset that EU capabilities, like NATO capabilities, are not separate or independent from the capabilities of European member states. The EU does not, in other words, “own” much in terms of capabilities but instead relies on the voluntary contributions of member states. Hence, when the EU claims that it has nearly 6,000 deployable police, the figure must be taken with a grain of salt and should be viewed as the maximum available number of police the EU might deploy if every member state were to deploy the full contingent it has offered to the EU. In practice, the effective number available has been roughly half this, and the EU has struggled to fully staff key missions, not only in Afghanistan but also in Kosovo. The same is true for other areas, such as the rule of law, although shortfalls in these areas tend to be less serious, because the overall staffing requirements are generally much smaller for a rule-of-law operation than for a police operation.⁴

Nevertheless, the EU still has considerable resources and expertise available in areas that are important to COIN transitions. Moreover,

³ For an overview, see Jolyon Howorth, *Security and Defence Policy in the European Union*, London: Palgrave, 2007.

⁴ Christopher S. Chivvis, *EU Civilian Crisis Management: The Record So Far*, Santa Monica, Calif.: RAND Corporation, MG-945-OSD, 2010. See also Daniel Korski and Richard Gowen, *Can the EU Rebuild Failing States? A Review of Europe's Civilian Capacities*, London: European Council on Foreign Relations, 2009.

like the United States, the EU has steadily been increasing its capabilities in areas relevant to post-conflict transitions in general. It has conducted operations in a range of environments and has thereby gradually built up a cadre of civilian and military staff with valuable relevant experience. Although individual European states will still deploy capabilities individually, the trend is toward deploying capabilities jointly through the EU, where the costs of deployment can be shared somewhat more equitably—a trend that may increase as the EU further develops its mechanism for shared funding of operational costs.

The EU has deployed staff in police, rule of law, monitoring, and advisory functions within Europe, in Africa, in the Middle East, in South Asia, and in the Pacific, even if some of these missions have been too small to be considered evidence of European capability relevant to U.S. COIN transition objectives. In at least two cases, however (Kosovo and Afghanistan) the EU has deployed staff that have undertaken activities relevant to COIN transition. Figures on staffing of EU civilian missions are given in Table 6.1.

In Afghanistan, the EU took over responsibility for police training from Germany. After a rough start that was the object of much

Table 6.1
Major Contributors to Civilian
EU Missions, April 2010

Country	Personnel
France	240
Italy	226
Romania	214
Germany	205
Poland	150
Other	888

SOURCE: General Secretariat of the Council of the European Union, "Civilian Planning and Conduct Capability," April 2010.

NOTE: Civilian EU missions include police, rule of law, border monitoring and Security Sector Reform missions.

deserved criticism, the EU improved its performance, deploying staff in greater numbers and to greater effect. Like most EU missions, the EU police mission in Afghanistan focused on police training and mentoring, especially at the upper levels of the Afghan National Police. While training of this kind is valuable, it is not immediately critical to COIN transitions. The EU also had difficulty deploying staff to Afghanistan's more dangerous southern and eastern regions, albeit in part due to a lack of a security agreement with NATO.

The EU record in Kosovo, by contrast, shows greater promise of a potential EU contribution to COIN transitions. In Kosovo, the EU took over the civilian component of security provision and state building operations from UNMIK, authorized under UN Security Council Resolution 1244. The mission operates with an executive mandate; in other words, it can act, when necessary, without permission from the Kosovo authorities. The Kosovo mission integrates legal experts with police and customs officials to provide a comprehensive approach to stabilization. In terms of staff, the police component is the largest, with roughly 1,400 police deployed. Roughly half of these police are special police who provide a mid-range response capability for riots and other disruptions, with the Kosovo police providing the low end and NATO's Kosovo Force (KFOR) operation providing the high end. The security situation in Kosovo is such that rioting or other such acts could be a threat and could have negative repercussions for the process of political stabilization, but it is not so serious that the deployment of KFOR troops everywhere in the country is warranted. In this regard, Kosovo in 2010 is not altogether different from a COIN transition environment. The EU role in Kosovo suggests that the EU could serve a similar function elsewhere.

There are some obvious caveats, however. First, the EU mission in Kosovo operates under the security umbrella provided by KFOR. Second, Kosovo is within Europe itself, and thus the interests of EU member states and the organization as a whole are deeply engaged. As the Afghanistan case suggests, it is likely to be more difficult to recruit EU capabilities for operations further afield. Third, the EU, like nearly all international organizations, operates on a consensus basis when it comes to foreign and security policy. This naturally makes

some deployments more difficult than others and can add extra layers of complexity and constraints to involvement in COIN transitions outside of Europe or its periphery.

To sum up, the EU's capabilities are a work in progress and will continue to evolve over the course of the next five to ten years. The record so far is somewhat mixed, but it does suggest the possibility that the EU could help the United States achieve its objectives in future COIN transitions, provided the geographical and political circumstances for deployment are propitious.

Organization for Security and Co-operation in Europe (OSCE)

The OSCE is the world's largest regional security organization. It includes 56 countries from Europe, Central Asia, and North America with very different perspectives and interests. Like NATO and the EU in security and defense-related fields, it operates under the consensus rule. Operational decisions thus require the approval of all member states—sometimes a difficult hurdle to overcome. The OSCE's diverse membership, consensus requirement, and specific historical origins during the Cold War help explain its specific profile. It is first and foremost a “soft” security organization that has demonstrated its value in helping to spread the rule of law and democratic norms among its members and promote institution-building according to those norms.

The OSCE has been involved in a number of areas that are relevant to COIN transitions, including building the rule of law, training police forces, and especially assisting in the transformation of national defense forces. That said, the OSCE's regional ambit is limited to its membership, so its relevance for future COIN transitions is relatively limited. The consensus rule and diverse interests of its membership places additional limitation on what it can actually do. It also has a long-term approach to security, whereas COIN transition focuses on the immediate aftermath of insurgencies.

Nevertheless, we have included it here for completeness and because some OSCE operations have taken place in post-conflict situations, most notably in the Balkans, where the OSCE ran a defense reform initiative in Bosnia-Herzegovina that resulted in the reintegra-

tion of Bosnia's three enemy armies and has played key role in subsequent stabilization efforts.

African Union

The African Union is a regional organization founded in 2001 as the successor to the Organization of African Unity (OAU). Unlike its predecessor, the AU is designed to intervene as necessary to support peace and security on the African continent.⁵ To this end, it has set up a standby force some 20,000 strong comprised of five brigades endowed with military and civilian capabilities designed to conduct peacekeeping and peace support operations. The force was expected to be operational by the end of 2010, though that date could easily slip.

Although still nascent, the African Union could in the future grow to develop capabilities relevant to COIN transition operations. The breadth of the organization, which includes 53 member states, should, in principle, give it access to cultural knowledge and human networks that could provide valuable intelligence for building post-COIN stability. AU troops, given effective training, might also be used to support COIN transitions, thereby enhancing the legitimacy of the operation.

In practice, of course, the African Union's capabilities to date are underdeveloped. The financial constraints on its members will diminish the possibility that it will play a major role in COIN transitions in the near future. Nevertheless, training and financial support through the U.S. African Command (AFRICOM) and by the EU and other organizations could over time build deployable capabilities in the areas of police, rule of law, and intelligence collection and analysis that would allow the AU to play an effective COIN transition role in the African context.

⁵ On the AU, see Paul D. Williams, "From Non-Intervention to Non-Interference: The Origins and Development of the African Union's Security Culture," *African Affairs*, Vol. 106, 2007; Samuel M. Makinda and F. Wafulu Okumu, *The African Union: Challenges of Globalization, Security, and Governance*, New York: Routledge, 2008.

International Police Capabilities

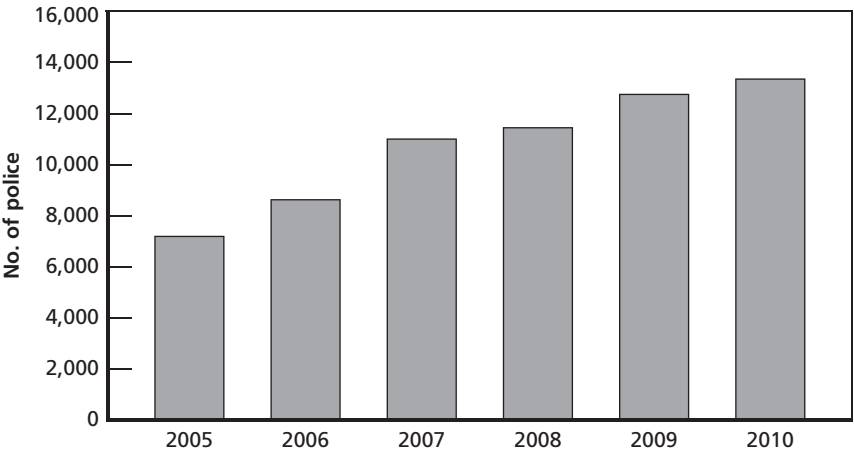
The role of police has significantly increased in international peace operations. As shown below, deployments of police forces as part of UN, EU, NATO and OSCE operations and missions has increased in numbers since the end of the 1990s as the international focus shifted from peacekeeping to more ambitious endeavors in state-building and peace-building. Moreover, within this broader change, the role of “Formed Police Units” (FPUs) in UN terminology or Stability Police Units (SPUs), the NATO term for these units, has become much more important in relation to individual police forces. These units are of special significance for COIN transition because they are robust and designed to fill the security gap between military forces and civilian police.⁶ They have special capabilities to perform public order and law enforcement functions in unstable and volatile environments. Since 1998, when FPUs and SPUs were first deployed in the Balkans, UN, NATO and the EU have developed their own versions of these units. The following sections describe their capabilities and their potential usefulness for COIN transition scenarios in more detail.

United Nations

The United Nations deploys police in significant numbers in 17 complex peacekeeping operations around the world. The UN rule of thumb in peacekeeping operations is one policeman for every ten soldiers. As of 2010, these operations involved more than 13,000 police from 90 different countries, acting in a range of capacities from training missions to executive policing. The growth of these deployments is depicted in Figure 6.1. In keeping with the trend toward using police rather than military officers for basic security provision, the UN deployed a growing number of executive and transformational, as opposed to simply training, missions. Many of the staff for these missions came from developing countries, with large numbers from South Asia and Jordan in particular (see Table 6.2). Overall, from 2001 to 2006, the

⁶ Cornelius Friesendorf, *The Military and Law Enforcement in Peace Operations: Lessons from Bosnia-Herzegovina and Kosovo*, Geneva Centre for the Democratic Control of Armed Forces, 2010, p. 1.3

Figure 6.1
Growth of UN Police Deployments



RAND MG1111/1-6.1

Table 6.2
Major Contributors to UN Police Operations, 2010

Country	Personnel
Bangladesh	1,696
Jordan	1,587
Nepal	971
Nigeria	940
France	243
Portugal	195
Italy	133
Canada	126
Spain	74
United States	55
Others	7,395

SOURCE: Calculated from data on UNDPKO web page, 2011.

contribution of developed states to UN missions fell from 37 percent to 16 percent as a proportion of the total deployed personnel.

The United Nations, in short, deploys more police overseas than any other international organization, including the EU and NATO. There are nevertheless a number of drawbacks and weaknesses in the UN's police deployments. First, as noted, the quality of the personnel has often been questioned, and finding qualified personnel has been difficult. The UN's operational headquarters has also had difficulty managing deployments effectively. Deployment times are slow, sometimes taking as long as nine months, a fact that argues against the rapid deployment requirements for a COIN transition.

In recent years, the UN has made increasing use of FPU's. First deployed in Timor-Leste in 1999, FPU's have been used in growing numbers as the bulk of the police force in UN operations in Darfur, Congo, Haiti, and elsewhere and now represent some 47 percent of UN police deployments. FPU's are cohesive teams of approximately 140 armed and well-equipped police each, capable of operations in higher-risk environments and well suited to tasks such as crowd and riot control. These robust capabilities make FPU's particularly interesting from the point of view of COIN transitions, especially as a potential intermediate structure between the military and regular community police.

The FPU's, of course, also have some drawbacks. Some of the countries from which their personnel are drawn have questionable democratic credentials, and UN standards for staff have in the past been somewhat minimal. FPU's are also less well suited to training and institution-building, both of which are important parts of any post-COIN operation. Nevertheless, they remain a potentially valuable asset for COIN transitions.

European Union

The EU has identified police as a core component of its developing civilian crisis response capability and has deployed police both within Europe and beyond its borders. EU police missions included both training and mentoring as well as executive policing missions with constabulary capabilities. In contrast to the UN, which deploys large numbers of police of generally lesser quality, the EU is capable of deploying

high-quality police, although generally in smaller numbers. The EU is also capable of deploying its version of stability police, the so-called Integrated Police Units (IPUs), which are trained to work in high-risk environments alongside military personnel.

Training, especially at the higher levels of a police organization, is an EU strength when it comes to police. The EU generally lacks the staff to conduct extensive training at the lower levels of a police force, but can provide useful mentoring and formal training to national police leadership. In Kinshasa, for example, the EU deployed a mission of some 50 staff who worked with the Congolese ministry of the interior. In smaller countries, where overall requirements are less demanding, EU police assistance can also have an impact at the lower levels of the police organization, as currently in Kosovo, where there is one European Union Rule of Law Mission in Kosovo (EULEX) police officer for every ten members of Kosovo's police force.

As with other organizations, there are constraints on the EU's police capabilities. For one, EU deployments require unanimous consent of all 27 EU member states. Furthermore, even when agreement has been reached, EU operations are dependent on voluntary contributions from member states, a fact that can complicate recruitment and slow deployment times. In some cases, such as Germany, the national government does not control most of the police and must therefore rely on the goodwill of subnational units (in Germany's case, the *Länder*) when it seeks to meet its obligations to the European Union. European states are also facing major budgetary pressures that are liable to create further obstacles to recruitment and staffing. The problems of staffing, it should be noted, are greater the farther the EU is expected to operate from Europe. This is a natural reflection both of the interests of the EU's member states and of the willingness of civilian police to deploy far from their homes. Staff deployed in Pristina, Kosovo, for example, are able to return home for the weekend, whereas those deployed to Kabul obviously do not have this option.

Finally, it must be noted that the procedures for EU-NATO operations remain blocked at the political level in Brussels, thereby hampering the ability of EU police to operate in post-COIN environments where NATO is the major player.

Nevertheless, EU police capabilities are significant, especially for missions within Europe. They are also apt to continue to grow. Over time, provided that the Balkans remain stable, more staff could become available for deployments outside Europe.

European Gendarmerie Forces

In part as a response to the challenges of EU police missions discussed above, five European countries—France, Italy, The Netherlands, Portugal and Spain—formed a parallel European Gendarmerie Force (EGF) in 2004. The EGF became operational in 2006 and was joined by Romania in 2008. Technically, the EGF is separate from the EU. All its members are EU members, however, and the force is primarily designed to support EU objectives. In principle, the EGF is also available to support NATO, AU, UN, and other international organizations as deemed fit by its members. It is particularly relevant to COIN transitions because it is expressly intended for deployment in high-risk situations. Any EU state that has a police force with a military statute can join the EGF, and any official EU candidate country can have associate status, an important fact in the event that Turkey should gain full membership status in the EU.⁷

The EGF builds on the experience of its members' national gendarmerie forces in foreign deployments. The Italian Carabinieri and the French Gendarmerie Nationale both have extensive foreign experience. The Carabinieri have performed monitoring tasks in the Palestinian territories, police training in the volatile security environment in Afghanistan, and executive policing tasks as part of NATO and EU missions in the Balkans since 1998. As part of the NATO Training Mission in Iraq, the Carabinieri deployed a special component to Baghdad (Camp Dublin) in 2007 that is training the Iraqi Federal Police. In Afghanistan, the Carabinieri have been training the National Civil Order Police, which will function as "mobile battalions" of the Afghan

⁷ Armitage and Moisan, "Constabulary Forces and Postconflict Transition."

police, since June 2008.⁸ As of August 2010, the Carabinieri deploy 788 police personnel abroad.

Similarly, the French Gendarmerie Nationale has participated in international peace operations under the auspices of the UN (Lebanon, Kosovo, Haiti, Congo, Cote d'Ivoire), EU (Bosnia, Palestinian territories and Congo), NATO (Kosovo and Afghanistan), as well as within the context of national missions (Cote d'Ivoire, Chad, and Central African Republic).⁹

The creation of the EGF aimed to enhance the effectiveness and rapid reaction capability of European gendarmerie forces by providing a permanent headquarters in Vicenza, Italy, with 800 staff, deployable on 30 days notice. By developing common doctrine, the EGF should also increase the interoperability of Europe's national gendarmerie forces. The EGF has units dedicated to peacekeeping and public security, as well as more specialized units capable of performing judicial functions and police intelligence and related logistical functions. Importantly, these forces can be deployed in both civilian and military chains of command.¹⁰

As a multinational force, the EGF has been deployed in support of the EU peacekeeping operation in Bosnia since 2007. There has also been discussion of a deployment in support of UN operations in Haiti. The EGF has been engaged in Afghanistan since 2009, contributing to police operational mentoring and liaison teams (POMLTs) under NATO command. This team includes approximately 300 gendarmes from France, Italy, Spain, Poland, and the Netherlands.¹¹ Hence, even though the EGF is not yet fully developed and tested, it has the potential to serve an aggregating function that frees European police from some of the constraints under which they operate within the EU and could prove valuable in a range of COIN transitions around the world.

⁸ See Arma dei Carabinieri, "Le missioni operative fuori area dell'Arma dei Carabinieri," August 18, 2010.

⁹ Gendarmerie Nationale, *Memogend*, 2008.

¹⁰ Armitage and Moisan, "Constabulary Forces."

¹¹ Gendarmerie Nationale, *La FGE engagée en Afghanistan*, December 16, 2009.

NATO Multinational Specialized Units

NATO has first and foremost been a military organization. Since the end of the 1990s, however, it has become an important actor in international policing as well. In fact, NATO was the first international organization to deploy stability police in the context of its peacekeeping operations. NATO's version of stability police, the so-called Multinational Specialized Units (MSUs), were first deployed to Bosnia in 1998 under direct command of the Stabilization Force (SFOR) in Bosnia and Herzegovina. At that time, it had become clear that neither military troops nor unarmed civilian police were able to deal with the public disturbances that were threatening the Dayton Peace Accords. The first MSUs consisted overwhelmingly of Italian Carabinieri, supported by robust police contingents from Argentina, Slovenia, and Romania.¹² NATO's MSUs were mainly tasked to maintain public order and, later on, to support the fight against organized crime.¹³ Table 6.3 shows NATO's major paramilitary forces. Note that these are total forces, not currently deployed forces.

The Bosnia model was also applied in Kosovo. Since August 1999, the NATO-led KFOR has included MSUs, with the main contributors again being Italy and France.¹⁴ The mandate was similar to the one in Bosnia in that it included tasks ranging from crowd and riot control to intelligence collection on organized crime and training local police. NATO has since deployed MSUs ranging in size from 250 to 600 personnel.¹⁵

The deployment of stability police forces has become significant in Afghanistan as well. During the NATO summit in Kehl and Strasbourg in April 2009, the U.S. government called for more sup-

¹² See Capt. Luis Barber, "MSU, the SFOR Force Multiplier," SFOR Informer Online, 2000.

¹³ See Friesendorf, *The Military and Law Enforcement in Peace Operations*, p. 37.

¹⁴ See Ronja Kempin and Christian Kreuder-Sonnen, *Gendarmerieeinheiten in internationalen Stabilisierungsmissionen. Eine Option für Deutschland?* Berlin: Stiftung Wissenschaft und Politik, SWP-Studie S 6, March 2010, p. 14.

¹⁵ Center of Excellence for Stability Police Units, "The Future Roles for Stability Police Units," workshop, Washington, D.C., April 4–5, 2005.

Table 6.3
NATO States with Significant Constabulary Forces

Country	Personnel
Bulgaria	4,000
France	103,376
Italy	107,967
Netherlands	5,953
Poland	6,300
Portugal	21,600
Romania	57,000
Slovenia	4,500
Turkey	100,000 ^a

SOURCE: International Institute for Strategic Studies, *The Military Balance*, 2009.

NOTE: Includes total paramilitary forces, not including Customs, National Guard, Coast Guard, reservists, or conscripts.

^a The Turkish Gendarmerie and National Guard are both under the ministry of the interior in peacetime; the total number is given here.

port from its allies in building and sustaining the Afghan National Police (ANP). With the creation of the NATO Training Mission in Afghanistan (NTM-A), the alliance took command of training the Afghan National Army and the ANP. The operational instrument for training the ANP is the POMLT, which includes European gendarmerie and other SPU. Coalition members pledged 232 police trainers to NTM-A, of which the largest contingent was from Italy, followed by Jordan, Canada, France, and Germany. As of September 2010, however, only the Italian and French trainers had deployed.¹⁶

NATO has thus gained extensive experience in deploying robust police units as part of its military interventions. These units have performed executive law enforcement functions and have trained indigenous police. Unlike the FPU under UN command, NATO's capa-

¹⁶ Information provided by NTM-A to RAND, September 17, 2010.

bilities rest on European gendarmerie forces of proven quality and reliability, as well as on U.S. staff and contractors.

Organization for Security and Co-operation in Europe

The OSCE does not deploy police forces with executive or coercive powers. Instead, its activities in the area of policing have focused on the relationship between state and society as well as structural police reforms at the political and ministerial levels. The organization has pursued its goals by deploying police advisors, promoting police assistance programs, and training and supporting structural and administrative reforms. Currently, the OSCE has police missions or related offices in Kosovo, Montenegro, Serbia, Macedonia, Kyrgyzstan, Azerbaijan, and Armenia. As previously noted, given the OSCE's distinct functional and geographic profile, it would be of limited utility for COIN transitions as defined in this monograph.

African Union Police

In recent years, African nations have become important contributors of police capabilities to international peacekeeping missions under the auspices of the United Nations. Nigeria and Senegal have also emerged as major sources of FPU's for the UN.¹⁷

Nevertheless, African policing capabilities for COIN transitions are still marked by serious shortcomings. First, the quality and democratic credentials of African police forces are sometimes questionable. Traditionally, police offered by African nations to UN peacekeeping operations have often failed to meet the UN's most basic requirements.¹⁸ There have been some improvements, but there is still a long

¹⁷ In May 2010, Nigeria (940), Senegal (586), Ghana (470) and Zambia (300) were among the top ten contributors of police forces to UN peacekeeping missions. In terms of numbers this contribution was much more significant than that of the EU and the United States. Among EU states, France was the largest contributor with 243 deployed police. The United States deployed only 55 police officers. Nigeria and Senegal are among the top seven contributors of FPU's to the UN (540 and 473 respectively). See UN, "Contributors to United Nations Peacekeeping Operations as of 31 May 2010."

¹⁸ Daniel H. Levine, *African Civilian Police Capacity for International Peacekeeping Operations*, Washington, D.C.: Henry L. Stimson Center, February 2008, p. 14.

way to go. Second, African countries have so far been slow to develop institutional capabilities to plan, staff, and deploy African-led police missions outside of the UN structure. This means that Africans remain heavily dependent on international support to field its police capabilities. The African Union Mission in Sudan (AMIS) was the first African-led peacekeeping mission to include a police component in October 2004.¹⁹ Its track record has been modest so far, and it is understaffed.²⁰

The African Standby Force (ASF) is meant to endow the African Union with a capability to plan, field, and sustain its own forces for crisis management by the end of 2010. Apart from military forces, it will include 240 individual civilian police plus two companies of stability police that will enable the ASF to perform the full spectrum of international policing tasks.²¹ To date, the implementation of this concept suffers from several shortcomings that make it highly unlikely that the Standby Force will in fact be operational by the end of 2010. The ASF still lacks a tested and efficient decisionmaking process for deployments, and so far no database on available African police capabilities exists. In addition, the African Union has not yet finalized its concept for the deployment of FPU's under the ASF.²² In general, the development of the so-called African Security Architecture suffers from the fact that the planning and implementation of its police concepts have lagged far behind the military components.²³

African countries offer a long-term potential for police support to COIN transitions in Africa and possibly further afield. At this point, however, the potential is mostly untapped and underdeveloped. Significant political will, resources, and support from the international community will be necessary to fully develop this potential in the future.

¹⁹ Levine, *African Civilian Police Capacity*, p. 27.

²⁰ Solomon A. Dersso, *The Role and Place of the African Standby Force Within the African Peace and Security Architecture*, Pretoria: Institute for Security Studies, ISS Paper 209, January 2010, p. 15.

²¹ Levine, *African Civilian Police Capacity*, pp. 17–18.

²² Dersso, *The Role and Place of the African Standby Force*, p. 12.

²³ See Jakkie Cilliers, *The African Standby Force: An Update on Progress*, Pretoria: Institute for Security Studies, ISS Paper 160, March 2008, p. 17.

Center of Excellence for Stability Police Units

In response to the global need for more SPUs, in June 2004 at the G8 summit in Sea Island, Georgia, the G8 member states launched an initiative to create a specific institution to enhance these capabilities. Less than a year later, the Center of Excellence for Stability Police Units (CoESPU) was established in Vicenza, Italy. Mainly funded by the Italian government and supported by the United States, CoESPU aims to offer training to constabulary police and to contribute to the development of a common doctrine on stability police among those organizations and states that deploy these forces. African countries are a priority beneficiary of this initiative. Accordingly, the first class of graduates from the center in December 2005 consisted of police officers from Kenya, Senegal, and Morocco, as well as India and Jordan.²⁴ If CoESPU continues to enjoy political and material support, it could significantly contribute to the development of international policing capabilities in the longer term.

Rule of Law

A multiplicity of actors are involved in post-conflict rule of law efforts in one form or another. In addition to the major powers and international organizations, these can include NGOs, lawyers' and judges' associations, think tanks, and even universities.²⁵ Building the rule of law has been a focus for many states and international organizations since the end of the Cold War. Much of the effort has been channeled into long-term development programs. Among the international organizations involved in this type of work, the European Union stands out. The work of the UN and the World Bank also deserves mention, as does the work of regional development banks, such as the Inter-American Development Bank (IADB), the African Development Bank (AfDB) and the Asian Development Bank (ADB). (A brief description of the ADB's work is included below.) Within this group of organiza-

²⁴ For more details, see Dziejdzic and Stark, *Bridging the Public Security Gap*.

²⁵ Samuels, "Rule of Law Reform in Post-Conflict Countries."

tions, however, there tends to be a variety of different conceptions of what the best approach to establishing the rule of law in post-conflict situations is.

EU Rule-of-Law Missions

The EU has conducted rule-of-law missions in Kosovo, Georgia, and Iraq. In Iraq, the EU mission, in place since 2005, has provided training for senior-level Iraqi rule-of-law professionals. Because of EU concerns about security, most of the staff for this operation is actually in Brussels and training courses have largely taken place outside Iraq. At the time of this writing, there were some discussions of moving more staff to Baghdad. In Georgia, the EU rule-of-law mission (not to be confused with the border monitoring mission) was a small trial operation.²⁶

The EU's Kosovo operation, by contrast, is indicative of the EU trend toward so-called "integrated" rule-of-law missions that combine police functions with other rule-of-law activities. The Kosovo mission has important judicial and customs components. The justice component comprises prison experts as well as judges and prosecutors. All these advisers work with the Kosovo authorities and the other branches of the EULEX mission to strengthen legal institutions and thus improve the rule of law in Kosovo. As of 2010, there were 40 judges and 20 prosecutors in the mission. The EU's judicial effort has been significantly hampered in the critical, ethnic Serbian areas in northern Kosovo by the Serbs' disagreement with Kosovo's 2008 declaration of independence. Nevertheless, the mission has made a significant contribution to building the rule of law elsewhere in the country.²⁷

In addition to these deployments, the EU has capabilities that are not formally part of the EU Common Security and Defense Policy. These capabilities are owned by the European Commission, the EU's supragovernmental organization, which is responsible for the EU's

²⁶ See, in particular, relevant articles in Giovanni Grevi, Damien Helly, and Daniel Keohane, eds., *European Security and Defense Policy: The First Ten Years*, Paris: European Union Institute for Security Studies, 2009.

²⁷ See Chivvis, *EU Civilian Crisis Management*.

development policy. They include the European Development Fund (EDF), which supports justice and police reform in a number of countries.

United Nations

When it comes to the rule of law in post-conflict environments, the UN has tended to work primarily at the national level, with the ministry of justice and other relevant bodies in the national government.²⁸ Several UN organizations are involved. The UN Development Program (UNDP), for example, supports the development of national justice programs by working with parliaments or other actors to develop a suitable long-term vision for the rule of law.²⁹

The work of the UN Department of Peacekeeping Operations is more specifically related to COIN transitions, however. UNDPKO has housed a criminal law and judicial advisory unit (CLJAS) since 2003. The unit has fallen under the Office of Rule of Law and Security Institutions since that office's establishment in 2007. Staff from CLJAS are deployed worldwide. As of late 2010, there were more than 180 judicial affairs officers and 181 corrections officers deployed in UNDPKO operations around the world. The officers provide assistance to the national government in strengthening judicial and correctional institutions. Under UNDPKO's ambit, officers carry out a range of different tasks. In Timor-Leste, for example, they supported the government's needs-assessment effort. In Southern Sudan, they conducted capacity building work, and in the Democratic Republic of the Congo, they supported the reestablishment of judicial institutions in the conflict-stricken eastern regions of the country. UN corrections experts have worked with governments in Afghanistan, Haiti, Timor-Leste, the

²⁸ For an inventory of related projects see UN, "The Rule of Law at the National and International Levels," Report of the Secretary General, A/63/64, March 12, 2008.

²⁹ United Nations Development Programme, Democratic Governance, "Access to Justice and Rule of Law," n.d.

Central African Republic and Chad, the Democratic Republic of the Congo, Darfur (Sudan), Burundi, Ivory Coast, and Liberia.³⁰

World Bank

The World Bank recognizes that justice reform is critical to its goal of poverty reduction. As of 2009, nearly 2,500 judicial reform projects had received World Bank support. These included loans, credits, grants, technical assistance, and research related to the development of law and judicial institutions. In 2009, the Bank lent \$304.2 million for judicial sector development. Projects ranged in size from \$2.5 million to \$138 million. A central focus was on developing the business environment, although other aspects of the rule of law were also targeted, including developing systems for court management, ensuring access to legal aid for the poor, improving the quality of legal information, and legal education aimed at developing human capacity. However, although the World Bank has been involved in supporting rule of law in a few post-conflict situations, such as Timor-Leste, Gaza, Georgia, and Kosovo, the majority of its initiatives are related to classical long-term development projects.³¹

Regional Development Banks

Like the World Bank, the regional development banks have rule-of-law programs in the context of their broader development programs. As part of its development work, for instance, the Asian Development Bank has provided funding for a wide range of activities aimed at supporting the rule of law within its geographical remit.³² Some of its rule-of-law programs take place in fragile states of particular interest to the United States and its allies. The ADB provided, for example, a \$350

³⁰ United Nations, Department of Peacekeeping Operations, "Corrections Update," Vol. 9, October 2009; United Nations, Department of Peacekeeping Operations, "Justice Update," Vol. 1, April 2010.

³¹ Legal Vice Presidency of the World Bank, "Initiatives in Justice Reform," 2009.

³² See Samuels, "Rule of Law Reform," Annex 2. See also Asian Development Bank, "Law and Policy Reform: Ensuring Voice, Opportunity, and Justice in Asia and the Pacific," November 4, 2010.

million loan to Pakistan for programs designed to strengthen the rule of law.³³ The loan funded the construction of several hundred court-houses and other measures to improve Pakistan's judicial infrastructure. The loan also funded legal education and other steps to improve the rule of law.³⁴ The ADB acted as an underwriter for these activities, however, not as a source of direct technical support.

Disarmament, Demobilization, and Reintegration

Programs for disarmament, demobilization, and reintegration of former combatants typically involve a variety of local and international actors. Accordingly, several international organizations have had experience with DDR over the years. There is continuing debate over how best to conceive and implement DDR, so assessing the quality of DDR programs can be tricky. The main organizations of relevance to COIN transitions are the World Bank, the United Nations, the International Migration Organization, and the African Union.

World Bank

For several years the World Bank was in charge of running one of the world's largest DDR programs, the Multi-Country Demobilization and Reintegration Program in Central Africa. The program started in 2002 and was closed in 2009. It involved a \$260 million donor trust fund and \$193 million in funding from the Bank itself.³⁵ The Bank was largely involved in the financing, planning, and financial management of these programs, at least when it comes to the demobilization and reintegration aspects. Some 280,000 ex-combatants were processed.³⁶ Importantly, however, these activities did not include disarmament

³³ See Livingston Armytage, "Pakistan's Law and Justice Sector Reform Experience: Some Lessons," *Law, Social Justice and Global Development*, Vol. 2, 2003.

³⁴ See Samuels, "Rule of Law Reform," Annex 2.

³⁵ Maria Correia, "Disarm, Demobilize and Reintegrate: Transforming Combatants into Citizens to Consolidate Peace," *Development Outreach*, October 2009.

³⁶ Correia, "Disarm, Demobilize and Reintegrate."

because of Bank statutory injunctions against funding military and related activities.³⁷

United Nations

Several UN organizations have participated in DDR programs, including UNDPKO, the United Nations Children's Fund (UNICEF), UNDP, and the World Food Program (WFP). The main focus of UNDPKO operations is post-internal conflict. The organization has been active in Angola, the Democratic Republic of Congo, Rwanda, Timor-Leste, Aceh, El Salvador, Kosovo, and Sudan.³⁸ The first formally sanctioned UN DDR operation was in Namibia in 1989.³⁹ With the aid of UNICEF and the WFP, the UN Mission in Sierra Leone successfully carried out its mandate to assist in the implementation of the disarmament, demobilization, and reintegration plan. The UN Mission in Liberia conducted the DD part of the process, and other organizations, including UNDP, conducted the reintegration part.⁴⁰ UNDP also administered the Disbandment of Illegal Armed Groups (DIAG) program in Afghanistan from 2005 to 2008; although the program was not a great success, this was in large part due to the lack of state structures and the ongoing insurgency.⁴¹ UNDP administered the RESPECT program in Timor-Leste that began in 2002 and aimed at providing employment opportunities for veterans through commu-

³⁷ Stephanie Hanson, "Disarmament, Demobilization, and Reintegration (DDR) in Africa," Council on Foreign Relations Backgrounder, February 16, 2007.

³⁸ Robert Muggah, ed., *Security and Post-Conflict Reconstruction: Dealing with Fighters in the Aftermath of War*, London: Routledge, 2009, p. 5.

³⁹ Muggah, *Security and Post-Conflict Resolution*, p. 5.

⁴⁰ James Pugel, "Measuring Reintegration in Liberia: Assessing the Gap Between Outputs and Outcomes," in Robert Muggah, ed., *Security and Post-Conflict Reconstruction: Dealing with Fighters in the Aftermath of War*, London: Routledge, 2009.

⁴¹ Michael Bhatia and Robert Muggah, "Demobilization and Reintegration Dilemmas in Afghanistan," in Robert Muggah, ed., *Security and Post-Conflict Reconstruction: Dealing with Fighters in the Aftermath of War*, London: Routledge, 2009.

nity development. The UNDP itself judged the program to be highly successful, but others were more pessimistic about its impact.⁴²

International Organization for Migration

The independent Geneva-based International Organization for Migration (IOM) is another organization frequently involved in multilateral DDR work. In keeping with its mission, IOM DDR efforts have primarily involved the return and reintegration of former combatants. The IOM has operated in Mozambique, Haiti, Angola, Mali, Guatemala, the Philippines, Tajikistan, Kosovo, Timor-Leste, Cambodia, Congo (Brazzaville), Guinea Bissau, Colombia, Bosnia-Herzegovina, and Croatia. The organization's contributions have ranged from technical planning and management assistance to national bodies for planning, organizing, and implementing DDR programs to vocational training for former combatants.⁴³

African Union

The African Union has also begun to participate in DDR efforts, undertaking responsibilities in Uganda, and Burundi. In the latter case, the AU participated in an integrated mission comprising both a civilian component and military contingents from South Africa, Ethiopia and Mozambique, and AU observers.⁴⁴ The UN and AU worked together to head up the actual disarmament process; the demobilization and reintegration process was handled by a joint national commission supported by NGOs and other actors. As such, cooperation between the AU and UN was judged successful and positive for the DDR effort as a whole.⁴⁵

⁴² Gordon Peake, "What the Timorese Veterans Say: Unpacking Security Promotion in Timor-Leste," in Robert Muggah, ed., *Security and Post-Conflict Reconstruction: Dealing with Fighters in the Aftermath of War*, London: Routledge, 2009, pp. 165–189.

⁴³ For a complete list, see United Nations DDR Resource Centre, International Organization for Migration (IOM), n.d.

⁴⁴ Henri Boshoff and Waldemar Vrey, *A Technical Analysis of Disarmament, Demobilisation and Reintegration: A Case Study from Burundi*, ISS Monograph Series No. 125, August 2006.

⁴⁵ Boshoff and Vrey, *A Technical Analysis*.

European Union

At the time of writing the EU was only been minimally involved in supporting DDR efforts—for example, through its small security-sector reform mission in the Democratic Republic of Congo. However, a recent report by the presidency of the European Council noted that the EU should seek to expand its contributions in this area in the future.⁴⁶

Post-Crisis Economic Assistance

An exhaustive assessment of the global capabilities for economic reconstruction is beyond the scope of this monograph. However, some countries either possess or are in the process of developing economic capabilities relevant to post-conflict environments. This section briefly summarizes some of the key needs of post-crisis economic assistance and explains the capabilities of three major international organizations involved in emergency economic assistance activities: the EU, the UN, and the World Bank. The United Kingdom and the Netherlands are also discussed as bilateral donors because they are among the small group of individual countries that have established innovative and interagency tools to tailor reconstruction assistance to crisis and post-conflict situations.

European Union

If the European Community's and the member states' bilateral contributions are combined, the EU is by far the world's largest donor, accounting for 55 percent of official development assistance (ODA). In more recent years, the EU's development assistance has become more informed by security and crisis management considerations.⁴⁷ Since 2007, the number of financial instruments for external assistance has

⁴⁶ Council of the European Union, "Presidency Report on ESDP," 10415/08, June 2008.

⁴⁷ Niagale Bagoyoko and Maria V. Gibert, "The Linkage Between Security, Governance and Development: The European Union in Africa," *Journal of Development Studies*, Vol. 55, 2009, p. 790.

been reduced from more than 30 to nine.⁴⁸ The most relevant of these for reconstruction assistance in post-crisis scenarios are the European Development Fund and the Instrument for Stability (IfS).

The EDF is the main instrument of development cooperation in the ACP (Africa, Caribbean and Pacific) states. Currently, the 10th EDF covers the period from 2008 to 2013, with a total volume of 22.682 billion euros.⁴⁹ Since 2000, the EDF has included formal provisions to specifically support conflict mitigation initiatives. Moreover, the EU has used EDF assets to support civilian aspects of security-sector reform (police and rule of law). A certain degree of flexibility has been introduced by earmarking a smaller fraction of the budget for “unforeseen needs”.⁵⁰ Despite these changes, however, the EDF remains primarily an instrument for longer-term development assistance.⁵¹

More relevant is the EU’s Instrument for Stability (previously the Rapid Reaction Mechanism), which is designed to contribute to stability in crisis and post-crisis situations. Its budget is 2.1 billion euros for 2007–2013.⁵² Major stated focuses are “pre- and post-crisis capacity building, threats to law and order, the security of individuals, critical infrastructure and public health.”⁵³

In recent years, the EU’s development and reconstruction instruments have become more readily available in crisis and post-crisis situations and thus more flexible—making them potentially more useful for COIN transition. A major weakness is that there is still no common

⁴⁸ European Commission, Development and Relations with African, Caribbean and Pacific States, Other Budget Instruments, updated September 13, 2010.

⁴⁹ EU, Summaries of EU Legislation, European Development Fund (EDF), June 14, 2007.

⁵⁰ See European Commission, Communication from the Commission to the European Parliament, the Council and the Court of Auditors. Final Accounts of the 8th, 9th and 10th European Development Funds—Financial Year 2009, Brussels, July 28, 2010, p. 5.

⁵¹ Richard Youngs, “Fusing Security and Development: Just Another Euro-platitude?” *Journal of European Integration*, Vol. 30, No. 3, 2008, p. 423.

⁵² European Commission, Development and Relations with African, Caribbean and Pacific States.

⁵³ European Union, Summaries of EU Legislation, Instrument for Stability (2007–2013), August 7, 2009.

decisionmaking or coordination mechanism in place to integrate security and development-related activities.⁵⁴

United Nations/United Nations Development Programme

The United Nations Development Programme has recently adapted its instruments to better deal with crisis and conflict scenarios. The Bureau for Crisis Prevention and Recovery (BCPR) was established in 2001 and today operates through some 100 UNDP country offices. It aims to offer a “bridge between the humanitarian agencies that handle immediate needs and the long-term development phase following recovery” and to deliver reconstruction assistance “faster, earlier and in riskier situations.”⁵⁵ On the policy level, one of BCPR’s core missions is to promote knowledge of and sensitivity for the specific requirements of disaster and conflict-affected countries within the development community.

The activities of UNDP in the area of crisis prevention and recovery span a broad spectrum, including Mine Action, which addresses the problem of landmines and unexploded ordnance, small arms and light weapons control, the economic and social reintegration of ex-combatants through training and livelihood programs, and rule of law with a special focus on post-conflict transition. UNDP’s activities in post-conflict economic recovery include, for instance, a program to assist households in Somalia with livelihood and employment opportunities, as well as entrepreneurs who seek to establish micro-businesses and production workshops with small grants.⁵⁶ Finally, UNDP specifically supports state-building initiatives to help national authorities

⁵⁴ See Ronja Kempin and Muriel Asseburg, eds., *The EU as a Strategic Actor in the Area of Security and Defence? A Systematic Assessment of ESDP Missions and Operations*, Berlin: Stiftung Wissenschaft und Politik, 2009, p. 160.

⁵⁵ United Nations Development Programme, Crisis Prevention and Recovery, Bureau for Crisis Prevention and Recovery Overview, n.d.

⁵⁶ United Nations Development Programme, “Crisis Prevention and Recovery, Giving Hope in the Midst of Conflict—UNDP’s Livelihoods Programme in Somalia,” n.d.

deliver essential public services and basic security through institutional capacity-building.⁵⁷

UNDP's budget is relatively limited compared with those of such bilateral donors as USAID.⁵⁸ In 2009 the financial resources for the country offices' work on conflict prevention and recovery, supported by BCPR, amounted to \$127.1 million.⁵⁹ To enhance the effectiveness of its limited resources, UNDP emphasizes partnerships within the UN system, with country agencies, and with other international and national donor organizations. For instance, UNDP has developed a two-year initiative on state-building with the World Bank, USAID, and other partners.⁶⁰

While UNDP is the lead agency for economic development, many other organizations within the UN system deal with various aspects of assistance to countries in post-crisis situations. More recently, new institutions have been created that aim to better integrate the security and development dimensions of UN activities. Among the new institutions are the Peace-Building Commission, which is backed up by a Support Office and a Peace-Building Fund. To better integrate the different actors into a more coherent effort, the UN has experimented with various coordination models. Most important, the positions of Deputy Special Representatives of the UN Secretary-General were upgraded to serve as crucial links between the security component of peacekeeping operations and the various humanitarian and develop-

⁵⁷ United Nations Development Programme, "Crisis Prevention and Recovery, Statebuilding," n.d.

⁵⁸ Keith Crane, Olga Oliker, Nora Bensahel, et al., *Guidebook for Supporting Economic Development in Stability Operations*, Santa Monica, Calif.: RAND Corporation, TR-633-A, 2009, p. 31.

⁵⁹ This figure splits into two segments: The first funding source is a dedicated portion of the UNDP regular resources (currently 7.2 percent or 54 million USD in 2009). The second component stems from voluntary contributions of member states to the thematic Trust Fund for Crisis Prevention and Recovery (in 2009: 73.1 million USD). See United Nations Development Programme, Bureau for Crisis Prevention and Recovery, *Annual Report 2009*, p. 69.

⁶⁰ United Nations Development Programme, "Crisis Prevention and Recovery, Statebuilding."

ment agencies engaged in the same country.⁶¹ The UN has also created so-called Integrated Mission Task Forces (first established for the UN Mission in Afghanistan deployed in 2002) whose purpose is to integrate all relevant UN agencies and departments in premission planning. Despite these efforts at institutional and structural reform, progress in implementing integrated UN peace-building missions has been modest as the UN struggles with entrenched agency and member state interests and the inertia of complex bureaucracies.⁶² Until recently, the Integrated Mission Task Force concept, for instance, proved to be a useful forum for information exchange but has failed to develop into an effective management mechanism.⁶³

World Bank

The World Bank has reformed its structures and financial tools to improve assistance to what it calls “fragile and conflict-affected countries.”⁶⁴ For instance, the World Bank included in its financial toolkit so-called Post-Conflict Special Allocations that deviate from normal procedures for allocation of resources to poor countries. This way, the organization is in a better position to take into account the security dimension of its development assistance. In 2008, the Bank streamlined existing funds and created the State- and Peace-Building Fund. Initially endowed with \$100 million from the World Bank’s administrative budget for 2009–2011, as well as bilateral donor contributions, the fund aims to support reconstruction and development in

⁶¹ Cedric H. De Coning, *Implications of a Comprehensive or Integrated Approach for Training in United Nations and African Union Peace Operations*, Oslo: Norwegian Institute of International Affairs (NUPI), NUPI Working Paper 766, 2009, pp. 3–4.

⁶² For a more thorough discussion on integrated UN missions, see Kathleen M. Jennings and Anja Therese Kaspersen, “Conclusion: Integration Going Forward,” *International Peacekeeping*, Vol. 15, No. 4, 2008, pp. 582–587.

⁶³ Sharon Wiharta, “Chapter 3: Planning and Deploying Peace Operations,” in Stockholm International Peace Research Institute, *SIPRI Yearbook 2008, Armaments, Disarmament, and International Security*, Oxford, UK: Oxford University Press, 2008, p. 101.

⁶⁴ Although there is no clear-cut definition of conflict-affected countries, fragile countries in World Bank terminology are those facing particularly severe development challenges, specifically weak institutional capacity, poor governance, and political instability.

“countries prone to, in, or emerging from conflict” when these countries or specific activities are not eligible for other World Bank credit or grant sources.⁶⁵ The World Bank’s support to fragile and conflict-affected countries covers all sectors ranging from public administration, infrastructure, and DDR, to health, education, and social services.⁶⁶

Innovative Bilateral Initiatives: the United Kingdom and the Netherlands

The United Kingdom (UK) and the Netherlands are among the few countries that created financial instruments specifically for projects at the intersection of security and development. By integrating the priorities and financial resources of foreign, development, and defense departments, these instruments are highly relevant for COIN transition scenarios. The UK created two distinct funding pools in 2001: the “Global Conflict Prevention Pool” and the “Africa Conflict Prevention Pool.” Both operate on priorities agreed to by the Foreign and Commonwealth Office (FCO), the Department for International Development (DFID) and the Ministry of Defence (MOD) and are jointly managed by these departments. In 2008 the two pools were integrated into a single instrument, the Global Conflict Prevention Pool (GCPP). The GCPP currently focuses on unresolved conflicts and instability in the South and North Caucasus, Moldova, and Central Asia. Program activities include the promotion of “micro and macro economic cooperation within and around conflict and post-conflict zones” as well as targeted support for civil society, media, government and human rights.⁶⁷

The Netherlands created its Stability Fund in 2004 “to support activities aimed at peace, security and development in countries strug-

⁶⁵ The World Bank, “Fragile and Conflict-Affected Countries, State- and Peace-building Fund,” September 13, 2009.

⁶⁶ The World Bank, “Fragile and Conflict-Affected Countries.”

⁶⁷ British Embassy Baku, “The UK in Azerbaijan, The Conflict Prevention Pool,” August 2, 2010.

gling with the risk, the presence or the legacy of violent conflict.”⁶⁸ The Dutch government identified Afghanistan, the Great Lakes region in Africa, the Horn of Africa, and the Balkans as priority regions for this fund. In 2010, the Stability Fund was allocated about 91 million euros.⁶⁹ One of the major innovations of this fund is that it integrates ODA and non-ODA resources while questions about ODA eligibility of an activity are left out of the decisionmaking process.⁷⁰ This should, at least in theory, significantly enhance readiness and flexibility.

These are innovative tools because they integrate the perceptions and interests of different actors both from a security and development perspective. They include the planning and setting of priorities as well as the implementation and management stages. In theory, the programming processes should also endow them with a high degree of readiness and flexibility. Whether this is the case in reality is not a foregone conclusion. A study on the effectiveness of the Dutch Stability Fund during the first two years of its existence concluded that, while the fund was meant to be fast and flexible, the decisionmaking process was often slower in practice.⁷¹

⁶⁸ Bart Klem and Georg Frerks, *Evaluation Stability Fund 2004 and 2005*, The Hague: Netherlands Ministry of Foreign Affairs, February 2007.

⁶⁹ Netherlands Ministry of Foreign Affairs, “Foreign Policy Goals 2010.”

⁷⁰ Organisation for Economic Co-operation and Development (OECD), *Security System Reform and Governance* (DAC Guidelines and Reference Series), Paris, 2005, p. 27.

⁷¹ Klem and Frerks, *Evaluation Stability Fund*.

Conclusions and Recommendations

From the preceding discussion flows a series of strategies and recommendations based on lessons learned and expert review of the challenges posed by the transition from COIN to stability. Recommendations range from the establishment of new methodologies to means of improving cooperation and communication among military and civilian actors. They stem from the research presented here as well as from work conducted by other RAND researchers and institutions. The recommendations are intended to facilitate smooth transition of projects and activities in areas experiencing a transition from counter-insurgency to stability and reconstruction operations.

As we noted in Chapter One, U.S. support to a foreign government confronted by an insurgency may be rather modest in some cases, with U.S. military involvement limited to a few dozen or hundred advisors and trainers. In the case of major U.S. support, however, the COIN transition phase will include the disengagement of perhaps tens of thousands of U.S. military personnel as important responsibilities are passed to civilian agencies and to the local government. The majority of the recommendations in this chapter are based on a situation where the United States is engaged in a major COIN effort.

The conclusions and recommendations in this chapter are keyed to the four substantive areas discussed in this study: (1) military-to-civilian hand-off of security and economic operations; (2) disarmament, demobilization, and reintegration of combatants; (3) police and justice; and (4) contribution of international partners.

Hand-Off of Security and Economic Operations from Military to Civilian Agencies

As noted previously, the hand-off of security and economic activities from military to civilian agencies does not imply an abrupt end to the military's role in such operations. Rather, aspects of the transition occur gradually in sequence, simultaneously, or on a large or small scale.¹ Military forces may lead a wide range of stability and reconstruction initiatives during the transition period. When the environment permits, military forces transition lines of operations to civilian agencies, which then lead the efforts. Although the military no longer has the primary responsibility for the conduct of operations, it may continue to support the efforts of civilian agencies. Ideally, the U.S. military will pass off many of its responsibilities directly to the supported government's security forces.

Military and civilian agencies should work closely together during all phases of the hand-off of responsibilities. In cases of major U.S. involvement, this is a critical factor in the ultimate transfer of responsibilities to a host country's stewardship.² U.S. civilian agencies may then transition from advising U.S. or coalition military forces in the conduct of various SRO activities to advising the host nation as lines of operation transition to its control.

In the area of military-to-civilian hand-off, our conclusions and recommendations fall into three broad categories: military-civilian collaboration, SRO planning and execution, and structures for SRO management.

¹ See Armstrong and Chura-Beaver, *Harnessing Post-Conflict "Transitions."*

² U.S. government policy documents frequently refer to a "host country" in the context of SROs, which implies that the United States or a coalition has a partner government to work with. We use the term in this chapter as well, while acknowledging that in cases of limited U.S. involvement, SROs can be conducted primarily by agencies of the government that the United States supports (in which case we refer to "supported government" rather than "host government") or, at the other end of the U.S. involvement scale, in an occupation environment following a forcible regime change, as was the case for a time during Operations Iraqi Freedom and Enduring Freedom.

Military-Civilian Collaboration

Hand-Off Planning and Timelines. In cases of major U.S. involvement in counterinsurgency, planning for the hand-off of security and economic operations within the U.S. government and for transitioning them to host country control should be firmly established within the evolving planning framework for stabilization and reconstruction operations. Ideally, such planning should be conducted prior to the commencement of SROs, while the insurgency is still under way. In addition, a methodology and related criteria should be developed to support civil-military estimates of the timeline for project transitions. Simple criteria, for example, could include (1) projections of the future security environment, to include the potential for threat resurgence, (2) potential development of a political process that becomes the major driver of the hand-off timeline, (3) U.S. civilian agency or host nation willingness and ability to sustain transition lines of operation, and (4) risk to U.S. government strategic objectives if sustainment fails following the hand-off of economic or security initiatives. The estimating process will likely require collaborative analysis by planners and operators working at tactical, operational, and strategic levels.

Project Prioritization. Cooperation between U.S. military and civilian agencies is also important for the prioritization of economic operations. Assessments will need to be made regarding which projects to sustain based on their contribution to the supported nation's immediate needs as well as longer-term capacity-building requirements. Given its extensive, relevant expertise, USAID should play a key role in the collaborative development of the criteria and an associated analytical method for project prioritization. In all cases, the process should include input from the supported nation's authorities. Importantly, in insurgencies where the U.S. is involved in a major way, DoD agencies (the military services, in particular) may have been deeply involved in providing economic aid and administering projects intended to rebuild or improve host nation infrastructure and capacity. While not normal fare for the U.S. military, in Vietnam, Iraq, and Afghanistan the U.S. military forces performed many economic development functions that would normally be the mission of civilian agencies. (Since civilian government agencies in countries confronting insurgencies tend to have a

low capacity, the military by default often end up assuming some of the functions of civilian entities.)

In cases of limited U.S. involvement, the supported government should take the lead in the planning process, with the United States providing technical support as requested by the supported government.

Contractors as Vehicles for Transition. As the threat environment improves, contractors may serve as vehicles for the transition from military to civilian responsibility. Civilian agencies may see advantages in the continuity of operations that could be achieved by maintaining DoD-contracted activities in place. To facilitate this transfer of responsibilities, DoD, DoS, and perhaps other U.S. agencies should evaluate whether processes and procedures can be developed to facilitate the hand-off of contract management from military to civilian agency control. In time, contracted activities could transition to host nation control. This transition could be a more difficult proposition if host nation authorities have not been engaged early in the process of contract design and implementation. Indeed, it may be appropriate for DoD to consult with other U.S. agencies as well as the host nation regarding whether certain contracts should be developed in a way that facilitates the transfer of the function to either the host nation or another U.S. civilian agency. If this step is not taken, major problems could develop when DoD leaves a country and tries to pass on responsibilities for contracts to others.

Statutory requirements pertaining to the use of programmed funds could complicate the ability of civilian agencies to inject their own funds into an existing DoD contract. An alternative approach would be for DoD to execute an interagency acquisition agreement and provide funding to the U.S. civilian agency that has taken over the contract. An important consideration when contracts are being passed from DoD to either the host nation or another U.S. agency is the transfer of contract-related databases. If the receiving agency (U.S. or other) is not prepared to accept and utilize the existing DoD data on an existing contract, much time and effort could be lost.

Involving National, International, and Private-Sector Actors. Particularly where there is significant U.S. and international involvement in a transition process, the supported government and its insti-

tutions, international organizations, businesses, and nongovernmental organizations need to be integrated firmly into SRO planning wherever possible. DoD should work with DoS to evaluate mechanisms and processes to accomplish this integration. In cases of limited U.S. involvement, it falls to the supported government to develop institutional arrangements and procedures to promote a “whole of government” approach to the transition and to facilitate the involvement of international organizations and the private sector. An excellent example of such institution-building is the Colombian government’s Center for Coordination of Integrated Action (CCAI), described in Volume II of this study. The U.S. government, through organizations such as USAID’s Office of Transition Initiatives (OTI) can play a critical role in support of the host government’s efforts to integrate the activities of government agencies, international donors, and the private sector into the transition.

Estimating Host Nation Police Force Requirements. DoD, DoS, and DoJ should collaborate to develop methods for estimating requirements for building or rebuilding host country police forces. Consideration must be given to requirements for both paramilitary-type police forces and those equipped and trained for more traditional law enforcement tasks. Planning should include the potential timing and manner of the transition from one type of force to the other, as appropriate. In cases of limited U.S. involvement, the supported government will determine its own requirement for police forces, but the United States and other partner countries may have a role in providing professional education and training and technical assistance to the police.

Information and Communications Technology. DoD and DoS should collaborate to develop mechanisms for identifying databases and other information and communications technologies that should be considered for potential hand-off as well as the planning processes required to support these systems after the hand-off. Databases related to security and economic operations may help the host country government bolster its ability to support internal security and economic stabilization measures.

SRO Planning and Execution

Generating U.S. Government Civilian Expertise to Support Integrated SROs. DoD has offered admirable support to efforts to increase civilian agency capacities for SRO planning and execution. New mechanisms and associated resource support should be identified to enable the routine provision of civilian expertise to DoD for the conduct of stabilization and reconstruction exercises and operations.

Evaluating Improved DoS-COCOM Linkages. Wartime requirements have compelled civil and military institutions to adapt and create new linkages to support SROs. Although these linkages have improved substantially in recent years, there may still be room for improved connectivity between relevant U.S. civilian agencies and the military's focal point for SRO planning and execution, the geographic combatant commands. DoD and DoS should explore whether technical or other measures can be pursued to strengthen current linkages and create new ones.

Modifying IMS Planning Processes. S/CRS should work with interagency partners to modify the Interagency Management System (IMS) planning processes in order to make them more efficient and acceptable to partner agencies.

U.S. Government Structural Reforms

NSC Leadership of SRO Planning and Coordination. The S/CRS has struggled for years to bring order to the U.S. government's approach to preparing for and executing SROs. However, it has become apparent that only the President can impose order on the relevant interagency process, something he should be able to achieve by establishing a standing body of the NSC for SRO planning and execution. This structural reform should be accompanied by a formalization of the S/CRS role and an elevation of its position within the DoS bureaucracy. The S/CRS, or its successor organization, could be the primary supporting agency to the NSC's new SRO organization.

New Structures for Tactical-Level Civil-Military Integration. The coordination accomplished by ad hoc interagency organizations in Iraq and Afghanistan should be continually evaluated for lessons learned. New structures for tactical-level integration are emerging and require

assessment. U.S. civil and military authorities at the tactical through strategic levels also need new tools that can provide a comprehensive view of the economic operations being conducted in their areas of interest.

Planning and preparation requirements for the hand-off of military lines of operation during the transition from COIN have not been evaluated with the same level of effort applied to other aspects of COIN and SROs. DoD did not sufficiently consider hand-off issues and plan accordingly prior to OIF, as some experts advised. However, the Iraq and Afghanistan experiences have raised awareness of the need for such planning and pointed to numerous improvements the United States could undertake to streamline the hand-off process. U.S. civil and military agencies have already made great strides in this regard. Consideration of the recommendations above could help to identify additional steps toward a truly integrated approach to the transition from COIN to SROs.

Disarmament, Demobilization, and Reintegration of Combatants

Adequate Resources

Programs must have adequate funding and resources to ensure that they meet their short-term goals and lay the groundwork for fostering the long-term process of post-conflict normalization. Instituting disarmament and demobilization with insufficient personnel and funding not only risks jeopardizing security gains on the ground but also could create a fertile environment for dissident militants and other potential spoilers. Obviously, the precise requirements of any post-conflict stabilization mission will be highly specific to the situation of a particular country engaged in the DDR process.

IT Contribution to DDR

The contribution of IT to DDR efforts depends on the specific functional objectives of a particular mission, the extent of existing capacity in the host country, and the willingness of the contributing govern-

ment to underwrite the cost of these platforms. Appropriate application of IT in the DDR process can help confirm the identity of the demobilizing insurgents, as well as identify them later if the need should arise. This could involve, for example, passing databases from the U.S. military to the various agencies that are responsible for the DDR process.

Control of Small Arms and Light Weapons

Any effective disarmament process involving the collection of SALW should be fully transparent and backed up with an effective inventory management system. If either of these components is missing, it will be extremely difficult—if not impossible—to ascertain the success of decommissioning efforts and prevent diversion of weapons to illicit channels. As the case of El Salvador illustrates, arms from a civil conflict can reemerge many years later in a completely different conflict theater.

Disarmament must go beyond merely decommissioning the arms and munitions stocks of former combatants. It should address—and check—the potential proliferation of SALW to criminals, renegade militants, and the wider civilian population. If the police are to take the lead in these efforts (rather than the task going to the military by default), the police should have at their disposal both an investigative and a “hard-strike” capacity to identify and then disrupt or prevent illicit arms movements. Units such as the Operational Response Group in the Australian Federal Police’s International Deployment Group could be very useful as models and trainers in this regard.³

Cantonment

Demobilized combatants should be processed and returned to their place of origin as quickly as possible. The more rapidly this occurs, the sooner peacekeepers can separate ex-fighters from the tools of war (their weapons) and introduce them to comprehensive civilian rehabilitation programs. While time is of the essence, it should not detract

³ In Timor-Leste, the ORG was used extensively to seize firearms held by rebel troops who refused to abide by calls to hand-in weapons as part of negotiated settlement to the 2006 crisis.

from the general need to place camps in geographic locations that are unlikely to inflame ethno-national or religious tensions or unduly stock the passions of ex-rebel or government forces. In El Salvador, for example, it was agreed that the separation of combatants necessarily had to occur as a staggered, two-stage process. This entailed first concentrating Salvadoran Armed Forces (SAF) and insurgent Farabundo Marti National Liberation Front (FMLN) forces in the positions they occupied at the end of the war and then systematically moving them to sites either deemed of national security importance (in the case of the SAF) or relevant to the general question of land reform and redistribution (in the case of the FMLN).⁴ The ability to rapidly create adequate and safe containment areas for demobilizing insurgents could be critical to the process of facilitating the COIN transition process.

Police and Justice Functions

Policing and justice functions are particularly important in the transitional stage of COIN. During the period when the government appears to be on the path of overcoming the insurgency and levels of violence have been consistently decreasing, a strong and legitimate security sector can ensure that this trend continues. It is critical that during the transition process, military forces (whether host nation or foreign military forces) decrease their role in local security and police functions and the police forces of the supported nation resume the role of providing normal, day-to-day law enforcement for the security of the population.

Establishing or Reestablishing Coverage of the Entire National Territory

During the transition phase, the priority of the police should be to establish or reestablish coverage of the entire national territory in order to restore civil order and deny geographical and human terrain to the insurgents. Often, the capabilities that are needed by these forces are

⁴ Buchanan and Chavez, *Negotiating Disarmament*, p. 21.

not particularly technologically advanced. Most forces only need uniforms, vehicles, radios, and basic equipment to operate. It is essential that the newly established police presence be made permanent. Thus, capacity-building and sustainability should be the main priorities. Equipment that cannot be easily replaced or repaired, either because it is costly or too sophisticated, should always have a lesser priority.⁵

Constabulary Policing Capabilities

The transition phase of COIN operations presents specific challenges for the police function. Police forces are normally not trained or equipped to conduct their duties in nonpermissive environments, so there may still be a need for constabulary policing capabilities after the military has relinquished law enforcement duties.

This is a particularly challenging area for the United States because it lacks a militarized national police force, with the notable exception of the Coast Guard. Although an insurgency may be in the process of transitioning toward stability, there might still be months or years of low-level violence before the situation is fully stable. During this transition process, there may be a need to create paramilitary or constabulary-type police units that are more heavily armed than most local police and that are prepared to fight small-scale battles with insurgents.

Because of the lack of a national, militarized police force in the United States, it is difficult to find an appropriate agency to assume this mission, which may be critical to the COIN transition process. Fortunately, a number of the United States' closest coalition partners (e.g. France, Italy) have such capabilities, but there is no guarantee that those nations will be alongside the United States in a given COIN operation. This is an area in which the United States must improve.

Riot and Crowd-Control Capabilities

If the government has not completely restored its authority over the country or a particular region, and some pockets of the territory, or groups of the population, are under the influence of forces contest-

⁵ This point is clearly underlined in U.S. Department of the Army, FM 3-24, *Counterinsurgency*, para. 6-84.

ing the government's authority, the police need crowd and riot-control equipment, including lethal and nonlethal or scalable gear.⁶ This is an area where U.S. technical assistance could be of considerable value to the host nation police force.

Integrated Police and Judicial System Reconstruction

Police reform needs to go hand in hand with an effective judicial and court system. An effective judicial system can ensure that criminal violence does not replace insurgency-related violence. It reaffirms the government's legitimacy and contributes to the country's stabilization by maintaining civil order. Building a judicial system is a more difficult and longer-term endeavor than building policing capabilities. It depends more on encouraging the adoption of processes, principles, and attitudes toward the law and legal institutions than on providing infrastructure, equipment, and technical skills. Moreover, human resources capabilities—which require high-level skills and education and knowledge of local laws and procedures—cannot be readily expanded or transferred by foreign trainers or mentors.

The generation of police and justice capabilities should not be the focus of separate efforts—as they too often are. Reinforcing police and justice capabilities should be an integrated effort, as they build on each other to provide the basic security services that the population expects from a functioning state.

There are significant gaps in the U.S. government's ability to provide policing and judicial assistance to countries undergoing a transition from COIN to SROs. U.S. police assistance programs are spread across a large number of entities. This creates inefficiencies, conflicting priorities and efforts, and coordination problems. Such lack of unity of effort and coordination can be particularly problematic when private contractors are involved. Another challenge is the lack of sufficient personnel for international deployment in small, specialized agencies, such as the Department of Justice's International Criminal Investigative Training Assistance Program. As discussed below, these gaps in

⁶ U.S. Department of Justice, *Civilian Police and Multinational Peacekeeping—A Workshop Series*, Washington, D.C., October 6, 1997, p. 17.

U.S. police and judicial assistance capabilities may be most effectively addressed by partnering with or relying on U.S. allies or regional and international organizations.

Crosscutting Issues

Unity of Effort

In all areas of the transition, there must be sufficient unity of effort between the military and law enforcement. It is vital that the military appreciates its own capabilities and functions and does not assume that it can include policing as a lesser included contingency in its overall portfolio. One way of helping to quickly develop an understanding of this sort—one that has been reflected in the Afghan experience, for instance—is through liaison arrangements that allow police officers to be routinely placed in strategic positions within the military chain of command.⁷ Over the longer term, attention should be given to the creation of interagency coordinating mechanisms that provide a central forum in which relevant stakeholders in a DDR process can work together and explain exactly what they do and what capabilities and expertise they can bring to the table.⁸

⁷ Chalk telephone interview, RCMP International Police Operations Branch, September 15, 2010.

⁸ Chalk interview, AFP official, New York City, July 2009. Australia learned this lesson after its intervention in Timor-Leste and has since moved to inaugurate an Asia Pacific Civil-Military Center of Excellence. The facility, which has a purely advisory function and is part of the Department of Defence, focuses on improving civil-military education, training, and awareness, so that all parties have a clear appreciation of what they can respectively contribute to a disaster relief or conflict mitigation operation and can therefore “hit the road with all wheels turning.” The center is based in Canberra, has a guaranteed funding stream until 2013, and includes representatives from the AFP, Attorney General’s Department, the Department of Foreign Affairs and Trade (DFAT), DoD, AUSAID, Emergency Management Australia, and the Australian Council for International Development (ACFID, which represents all key NGOs in the country). For more details on the center, see the Asia Pacific Civil-Military Centre of Excellence web site.

Accurate Predeployment Intelligence

Where there is international involvement in an SRO, sharing accurate predeployment intelligence is critical to the success of the effort. All participating countries need to have definitive information on how many belligerents will be demobilized (and, to the extent possible, the number of potential spoilers who refuse to adhere to the terms of a ceasefire or peace agreement), the extent and proficiency of existing infrastructure in the host nation, the state of local security forces, and available sites for cantonment. These data should form the basis of a threat and needs assessment that can then be used to inform the mission's mandate and the content of its training regime.

Adequate Intelligence Coordination

Once an operation commences, there must be adequate intelligence coordination to ensure unity of effort and mitigate problems that arise from “stovepiped” information. Fusion centers that allow for integrated assessments of the ongoing process are vital in this regard and should include not just police and military personnel but also appropriate civilian agencies, relevant NGO representatives, and, in cases where the United States or a U.S.-led coalition has the lead role in the counterinsurgency and stabilization effort, representatives of the host nation's security forces.⁹

Contribution of International Partners

U.S. allies, partners, and international organizations have acquired an impressive set of capabilities that is highly relevant for COIN transition scenarios. These capabilities could help the United States in its transition operations, especially by compensating for U.S. gaps in capabilities and expertise. The state of development of these capabilities varies, however, and even in cases where allies or partners have a clear comparative advantage there will always be political constraints on their use.

There are two key domains in which U.S. international partners may present a clear comparative advantage with regards to transitional

⁹ Chalk telephone interview, RCMP International Police Operations Branch, September 15, 2010

law enforcement skills and expertise: the use and training of constabulary forces and the reform of ministries of interior.

COIN transitions are likely to involve, for some period of time, both the military and civilians performing law enforcement tasks simultaneously.¹⁰ Transitioning from a high-conflict environment to a more permissive environment requires simultaneously having community policing capabilities and specialized capabilities that can handle serious unrest—such as riots or even a resurgence of low-level insurgent violence. Constabulary police forces are particularly useful in these hybrid environments because they combine the ability to do routine policing with paramilitary capabilities.

The United States does not have a constabulary-type force, but several of its allies do. Over the past 20 years, Italian Carabinieri have been involved in a number of post-conflict operations, including El Salvador, Bosnia, Kosovo, Lebanon, Mozambique, and East Timor.¹¹ The French Gendarmerie were involved in Haiti, El Salvador, Cambodia, Somalia, and the Balkans, among other places.¹² The recently constituted European Gendarmerie Force built on these and other forces, such as the Spanish Guardia Civil, the Portuguese Republican Guard, or the Dutch Marechaussee, to constitute a rapidly deployable force. Constabulary-type capacity represents a pool of expertise that the United States could try to use more broadly through international and bilateral cooperation in the context of COIN transitions.

Several authors point out that U.S. government agencies have not been particularly successful at addressing institution-building, especially when it comes to reforming the interior ministry that many countries put in charge of managing police forces.¹³ Robert Perito notes that, in the cases of Iraq and Afghanistan, there was a shortage of the skills that were needed for this effort: “No American adviser had worked in an interior ministry responsible for managing a national

¹⁰ Oakley and Dziedzic, “Policing the New World Disorder,” p. 2.

¹¹ Arma dei Carabinieri, “Mission Abroad,” n.d.

¹² Armitage and M. Moisan, “Constabulary Forces and Postconflict Transition,” p. 2.

¹³ On this issue, particularly applied to the case of Iraq, see Perito, *The Interior Ministry’s Role in Security Sector Reform*, p. 7, and Gompert et al., *War by Other Means*, p. 229.

police force. Few of those selected had held senior executive positions in major city or state police departments.”¹⁴ At the same time, “. . . interior ministry reform is an area where Europeans have a distinct advantage, given their experience helping twenty-one countries reform their interior ministries in the process of qualifying for membership in the European Union.”¹⁵

Ministry of interior reform is therefore another instance where U.S. partners could usefully contribute some of their expertise. Countries whose administrative and legal systems bear the closest resemblance to those of the country in the process of transitioning should be identified early on and encouraged to provide, whenever possible, advisors or expertise to the country leading the stabilization effort. The United States confronted this difficult reality in Vietnam, Iraq, and Afghanistan, where language and cultural barriers complicated the U.S. ability to provide detailed and society-appropriate assistance.

These examples illustrate domains in which the involvement of international organizations or partners may be helpful in assisting a country transition out of COIN. It is important to recognize, however, that involving international organizations or allies may increase coordination problems. With regard to the reform of the Afghan MoI, for instance, several countries sent mentors to the same ministry officials and ended up giving them conflicting advice.¹⁶

Limitations of International Contributions

The UN has deployed by far the largest number of individual and formed police contingents in peacekeeping missions. The fact that the vast majority of its police come from developing countries, however, has limited their effectiveness in some cases. Given the large numbers that are deployed, however, it is worth considering investing in efforts to help the UN’s main contributing states raise their training and performance standards. This would also be a promising way of enhancing the capabilities of regional organizations such as the African Union.

¹⁴ Perito, *The Interior Ministry’s Role*, p. 14.

¹⁵ Perito, *The Interior Ministry’s Role*, p. 10.

¹⁶ U.S. GAO, *Afghanistan Security*, p. 8; Perito, *Afghanistan’s Police*, p. 12.

The European Union and its member states possess high-quality policing capabilities. The EU has also developed innovative forms to deploy integrated rule-of-law missions since its Common Security and Defense Policy became operational in 2003. Obtaining the consensus necessary to deploy these capabilities, however, can sometimes be difficult given the fact that many EU member states are primarily focused on Europe and states on Europe's periphery.

In addition, the EU still has trouble deploying its civilian crisis management assets in the volatile situations that characterize most COIN transition scenarios. This makes the cooperation between the EU and other security actors, which are capable of performing the full spectrum of operations, even more important. Unblocking the stalled NATO-EU relationship would thus offer great potential to deliver more and specialized capabilities for COIN transitions. Other international actors, such as the World Bank and regional banks, have adapted their instruments during the past decade in order to be in a better position to help countries transitioning from civil conflict toward stability.

Even if international organizations and foreign governments deploy capabilities valuable for COIN transition, there are often political constraints on their use. The reluctance of many European countries to engage more thoroughly in the rebuilding of Iraq after the U.S.-led military intervention is a case in point. This means that Washington will not always be able to count on international partnerships even if the resources are available.

Leveraging International Capabilities

Despite these political and cultural impediments, there are measures that the U.S. government can take to enhance the prospects for cooperation with international partners. The United States is a major contributor in many of those international organizations that are most relevant for supporting COIN transitions. Washington has leverage to steer the policy of these organizations and to engage partners within these institutions. Increased U.S. engagement is also likely to trigger more support among partners. For instance, the United States could show its support by seconding staff to DPKO operations and encouraging its allies to do the same.

Consider the Whole Transition. U.S. policymakers need to conceive of the “transition” of tasks in these operations in terms of handing off responsibilities not only from DoD to DoS (as is currently the case in Iraq) or from U.S. agencies to local actors, but also from U.S. agencies to international organizations.

Encourage Further Development of Partner Police Capabilities. The U.S. government can encourage and support ongoing international efforts to develop stability police forces for international deployments. To reach beyond the Euro-Atlantic context, Washington could support training in countries that are major contributors to UN missions, such as Jordan, Pakistan, Bangladesh, and Indonesia, as well as countries in Africa.

Reinforce Cooperation in the Area of Integrated Rule of Law Missions. The United States can contribute to and prepare to collaborate with the EU and UN in integrated rule of law missions. For instance, the United States has cooperated directly with EULEX in Kosovo, sending U.S. staff to work in the EU chain of command. This could serve as a model case for future cooperation in civilian crisis management.

There are thus many options to engage partners in further developing global capabilities for COIN-transition operations. Doing so will of course come at the occasional cost to autonomy of action. But any such loss is apt to be marginal and outweighed by gains to legitimacy, and especially burden-sharing. In the end, investing in and supporting partnerships and capabilities of international actors is apt to turn out to be a powerful force multiplier.

Technological Solutions

Nonlethality

Technologies to affect behavior and control situations without violent or lethal force (e.g., directed sound, stun devices, and light) can prove particularly useful in COIN transition contexts, since excessive use of lethal force could be precisely the sort of behavior that can generate support for the insurgency or contribute to reigniting the insurgen-

cy.¹⁷ It is important to note, however, that what makes some weapons nonlethal is the way they are used as much as their design. Nonlethal weapons used improperly can result in deaths.¹⁸ It is therefore crucial that proper training be administered to indigenous police forces who are given such weapons—and that some accountability systems are in place within the police institution to discipline potential abusers. This is an area where U.S. technical assistance to the host nation and/or the countries assisting in the DDR process could be of great value.¹⁹

Identification Systems and Biometrics

In COIN contexts, the distinction between insurgents and noninsurgents is particularly critical, and the police can improve it through identification systems such as biometrics, vehicle registration databases, license plate readers,²⁰ and any type of census or database that can keep track of the population at the village or neighborhood level (for instance, by keeping track of the number of family members living in the same house).

Systems providing reliable identification have also proven critical in institutional reform. To avoid “ghost” police officers and manage the pay system properly, it is necessary to have an up-to-date and reliable list of all police officers. U.S. efforts, carried out in partnership

¹⁷ Gompert et al., *War by Other Means*, pp. 239–240.

¹⁸ See, for instance, D. K. Hughes, K. Maguire, F. Dunn, S. Fitzpatrick, and L. G. Roche, “Plastic Baton Round Injuries,” *Emergency Medicine Journal*, Vol. 22, No. 2, February 2005.

¹⁹ Of course, as a RAND study acknowledges, there are limitations on the effectiveness of these capabilities. Anti-electronics capabilities are of value only when the enemy is relying on electronics. Flash-bang munitions have limited range and may be frightening to innocent persons. Electric-shock tasers are useful only at short range against small numbers of individuals. Tear gas may alienate otherwise sympathetic persons. The RAND study recognizes that these options may be useful only in specific circumstances and aims to identify options with such wide utility across possible missions and conditions that ordinary small units could routinely be equipped and trained to use them. David Gompert, Stuart E. Johnson, Martin C. Libicki, David Frelinger, John Gordon IV, Raymond Smith, and Camille A. Sawak, *Underkill: Scalable Capabilities for Military Operations Amid Populations*, Santa Monica, Calif.: RAND Corporation, MG-848-OSD, 2009.

²⁰ Noetic Corporation, *Observations from U.S. Government Law Enforcement in International Operations*, Washington, D.C., March 2009, p. 98.

with the Afghan MoI, to check the identity of all police officers and issue them identification cards before their information was entered in a database, proved critical to ensuring the proper functioning of that institution. Similar technology may be needed in the future; however, the difficulties encountered by the United States in going through this process²¹ suggest that these systems require improvements, especially in countries where public records are chronically lacking.

Communications

Another important lesson learned from the U.S. experience in transitional law enforcement is the fact that building the capacity of a foreign country's law enforcement forces requires not only training but also mentoring. Interoperability, in these conditions, can be problematic. This happened in Iraq, where "initial efforts at inter-operability between Iraqi police and coalition forces resulted in a near total failure to communicate."²² These problems were solved by providing the Iraqi police with communication gear that was compatible with the U.S. equipment and by creating joint operations centers.²³ More generally, there is a need for equipment, such as encoded FM radios, satellite phones, cell phones, and portable repeaters, that allows host nation police forces and their international mentors to communicate without their exchanges being intercepted by insurgent forces.²⁴

Operational Mobility

Lack of mobility creates problems across a spectrum of issues. Mentoring can be particularly challenging in countries where mobility is difficult due to a lack of roads or transportation infrastructure more generally. This has been true, for instance, in Afghanistan, where air assets provided by the United States have been the object of competing

²¹ See, for instance, U.S. GAO, *Afghanistan Security*.

²² David C. Gompert, Terrence K. Kelly, Brooke Stearns Lawson, Michelle Parker, and Kimberly Colloton, *Reconstruction Under Fire: Unifying Civil and Military Counterinsurgency*, Santa Monica, Calif.: RAND Corporation, MG-870-OSD, 2009, p. 104.

²³ Gompert et al., *Reconstruction Under Fire*, p. 104.

²⁴ Noetic Corporation, *Observations*, p. 89.

demands from the different agencies in charge of police training and mentoring. This problem has been particularly acute in the context of counternarcotics efforts.²⁵ Developing the rotary-wing fleet and associated training of local personnel, as has been done in Colombia, could provide more operational mobility to U.S. and the supported country's law enforcement forces on difficult terrain.

Unmanned Aerial Vehicles (UAVs)

A final point relates to the possible use of unmanned aerial vehicles (UAVs) to help the United States or the government it is supporting to control borders. The United States already uses this technology domestically for this specific purpose. The U.S. Customs and Border Protection (CBP) employs a fleet of six Predator B UAVs to monitor its borders with Mexico and Canada.²⁶ Insurgents are frequently backed by neighboring countries or use their territory as a safe haven. Using UAVs to limit insurgents' ability to cross the border to resume their activities could be key to ensuring that violence does not flare up again and that the COIN transition phase remains on the path to stabilization.

²⁵ Inspectors General, *Interagency Assessment of the Counternarcotics Program in Afghanistan*, July 2007, pp. 26–27.

²⁶ Chad C. Haddal and Jeremiah Gertler, *Homeland Security: Unmanned Aerial Vehicles and Border Surveillance*, Congressional Research Service, Washington, D.C., July 8, 2010, p. 1.

U.S. Government Agencies Involved in Implementing or Supporting Policing Capabilities

A number of U.S. departments and agencies have been involved in a wide range of police capacity-building activities, even performing actual policing at times along with host nation forces. This appendix focuses on those agencies that engage routinely in these activities within DoD, DoS, DoJ, and DHS. Other entities such as the Department of Treasury or the United States Agency for International Development (USAID) engage in law enforcement activities as well, but the scope of their activities is generally more restricted (USAID’s “community-based police assistance” has mostly been limited to Jamaica and El Salvador, and the Department of Treasury focuses on financial criminality).¹ The international policing activities of the agencies examined here are illustrated by examples from both COIN and non-COIN operations.² The reason for including the latter is the fact that the efforts undertaken by U.S. agencies to improve the host nation’s law enforcement or justice capabilities in non-COIN cases (in Kosovo, for instance) provide an illustration of the services that these agencies can provide in a context of conflict or post-conflict—services that could hypothetically be called upon to assist a country in transitioning out of COIN.

¹ Keller, *U.S. Military Forces*, p. 11.

² The programs cited here are illustrative and do not purport to provide a full list of past and current international activities of the departments and agencies cited.

The Department of Defense

DoD's contribution to law enforcement usually takes place in the wake of a U.S. military intervention, except in the case of counternarcotics activities. In the past, the Military Police (MP) have played a prominent role whenever U.S. armed forces had to provide provisional law enforcement or train local police forces. MPs have five core functions: maneuver and mobility support; area security; law and order; internment and resettlement; and police intelligence operations.³ The law and order function includes law enforcement (including "providing support to HN [Host Nation] and civil-enforcement agencies"), training foreign MP or constabulary forces,⁴ and conducting criminal investigations.⁵

Capabilities

Interim Law Enforcement (Including Border Control). The interim law enforcement capabilities available to the U.S. government for SRO are illustrated by the kinds of missions undertaken by U.S. government agencies in operations overseas. A list of these missions is given below, with illustrative examples.

In the wake of Operation Just Cause, which led to the arrest and extradition of Panama's leader General Manuel Noriega, the United States launched Operation Promote Liberty to restore order in the country. Two hundred personnel from general purpose forces, MP, and the National Guard patrolled the streets of Panama's main cities. U.S. forces also accompanied the first recruits from the new Panama

³ U.S. Department of the Army, *Military Police Operations*, FM 3-19.1, March 22, 2001, para. 1-3.

⁴ According to FM 3-19.1, para. 4-54, "The MP provide the capability to train foreign MP and/or reconstitute indigenous constabulary forces as part of stability and support operations. The MP can provide the initial mentoring to these forces and provide temporary, emergency law-enforcement capabilities until the foreign military or civilian police forces are functional."

⁵ Those investigations are limited to "investigate offenses against US forces or property committed by persons subject to military law," although "Other investigations (such as those based on international treaties, SOFAs, and joint investigations with the HN) may be undertaken if requested by the supported commander in support of the overall Army mission" FM 3-19.1, para. 4-57.

National Police (PNP) on their patrols.⁶ In Kosovo, Task Force 793, composed mainly of three MP companies and a small contingent of special agents from the U.S. Army Criminal Investigation Command (CID) was tasked with four main missions: “detering looting and other crime; running detention facilities; running the police stations; and facilitating the return of refugees.”⁷ It also monitored the border with Macedonia.⁸ Other examples of interim law enforcement performed by U.S. forces took place in Iraq shortly after the U.S. invasion, when they conducted joint police patrols with the Iraqi police officers who were, at that time, prohibited from carrying weapons and needed U.S. protection to conduct their policing duties.⁹ U.S. forces were also tasked with securing Iraq’s border.¹⁰

Training and Mentoring Local Forces. In Panama, U.S. MPs trained the new PNP in maintaining civil order, patrolling, conducting searches and detaining suspects.¹¹ Even after the Department of Justice took over the responsibility for the training of the PNP, U.S. MPs continued to conduct joint patrols with the PNP, providing feedback to trainers in the police academies on the performance of their graduates.¹²

Mentoring of the local police by U.S. forces took place on a larger scale in Iraq and Afghanistan. The police Transition and Integration Program (TIP) employed U.S. military police as instructors for

⁶ Noetic Corporation, *Observations*, p. 12.

⁷ Noetic Corporation, *Observations*, p. 66.

⁸ Noetic Corporation, *Observations*, p. 66.

⁹ Perito, *U.S. Police in Peace and Stability Operations*, p. 3.

¹⁰ Jones et al., *Establishing Law and Order After Conflict*, pp. 125–126.

¹¹ Noetic Corporation, *Observations*, p. 17.

¹² Bayley and Perito, *The Police in War*, p. 34.

the Iraqi National Police (INP).¹³ The three-week course for trainees focused on human rights, ethics, use of force, and weapons use.¹⁴

In Afghanistan, the DoD's Combined Security Transition Command–Afghanistan (CSTC-A) was put in charge of training and equipping the new Afghan National Police (ANP) in 2005, while the State Department “. . . retained contract management authority for police training, mentoring, and Interior Ministry reform.”¹⁵ Mentoring was done jointly by military (from CSTC-A) and civilians (from the State Department).¹⁶ A shortage of military mentors has, however, remained a prevailing issue during the war, as has been the quality of ANP training.¹⁷

Screening and Vetting of Police Personnel. In several instances, U.S. military forces have been tasked with verifying the identities and backgrounds of police personnel. In Panama, MPs were initially in charge of vetting the candidates for the PNP, before this task was transferred to the Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP).¹⁸ In Afghanistan, the Department of Defense and the State Department collaborated to screen MoI and ANP personnel.

Institutional Reform. DoD has also been involved in ministerial reform in Afghanistan. In 2008, CSTC-A and several of its partners started reforming the Afghan MoI to improve the organization's structure and processes—with the aim of making it less personnel-intensive, better managed, and less prone to corruption.¹⁹

¹³ For more details about the role of the U.S. military in training the Iraqi police forces, see, for instance, Jones et al., *Establishing Law and Order After Conflict*, pp. 118–136.

¹⁴ Bayley and Perito, *The Police in War*, p. 12. The authors note that this initiative was “underfunded” and “inadequately staffed.”

¹⁵ Perito, *Afghanistan's Police*, p. 4.

¹⁶ U.S. GAO, *Afghanistan Security*, p. 8.

¹⁷ Bayley and Perito, *The Police in War*, p. 24.

¹⁸ Noetic Corporation, *Observations*, p. 18. The Department of Justice apparently disagreed with the vetting process that had been put in place by the U.S. military.

¹⁹ U.S. GAO, *Afghanistan Security*, p. 10.

Equipping the Police. In Somalia, DoD provided the new police forces with more than 300 vehicles; 5,000 M16 rifles; and 5,000 pistols, uniforms, and equipment at a total cost of US \$25 million.²⁰ In Iraq, it supplied the Iraqi police forces' equipment, but the standard procurement process was too slow to provide the Iraqi Police Service (IPS) with the vehicles, weapons, and other assets they needed to be operational when they most needed it.²¹ In Afghanistan, CSTC-A equipped the ANP through four programs: Foreign Military Sales (FMS), international donations, DynCorp equipment and "Afghan First" (consisting of purchasing part of the equipment from Afghan companies).²² An interagency official report, however, pointed to serious problems in the accountability of the material delivered to Afghan police forces.²³

Counternarcotics. Section 1004 of the 1991 National Defense Authorization Act gives the Department of Defense large authority to engage in counternarcotics activities, including in the "counter-drug related training of law enforcement personnel of the Federal Government, of state and local governments, and of foreign countries, including associated support expenses for trainees and the provision of materials necessary to carry out such training."²⁴ In Colombia, DoD is active through the U.S. Military Group (MilGroup) based at the U.S. Embassy in Bogotá. The U.S. Army 7th Special Forces Group and the State Department train Carabineros units.²⁵ In Afghanistan, U.S. Special Forces, along with the United Kingdom, have conducted interdiction operations against drug traffickers, their stockpiles, and laboratories.²⁶

²⁰ Bayley and Perito, *The Police in War*, p. 36.

²¹ Bayley and Perito, *The Police in War*, p. 13.

²² Inspectors General, *Interagency Assessment of Afghanistan Police Training and Readiness*, November 2006, p. 43.

²³ Inspectors General, *Interagency Assessment*, p. 49.

²⁴ National Defense Authorization Act of 1991 (P.L. 101-510), Section 1004.

²⁵ Noetic Corporation, *Observations*, p. 34.

²⁶ Jones et al., *Establishing Law and Order After Conflict*, p. 76.

Gaps

Field Manual 3-24, *Counterinsurgency*, underlines that “Police are best trained by other police.”²⁷ The use of U.S. military forces to conduct transitional law enforcement or to build the capacity of host nations has, at times, proven problematic for three main reasons: the different approaches of soldiers and policemen to policing, shortages of personnel for policing duties, and the risk of turning indigenous police into light infantry units.

The Military Versus the Police Approach to Policing. Soldiers and policemen differ in their use of force, their modes of planning and operation, and the skills they can display. The use of violence, or the threat of it, is inherent in military action, whereas police officers are trained to refrain from using violence except as a last resort.²⁸ The military is trained to take out threats, while the police are trained to protect people. The two institutions also have different modes of planning and operation. The military is used to functioning with centralized planning, while the police tend to focus more on the local level.²⁹ As summarized in a 2006 RAND report, “The average infantryman is not trained to investigate crime, preserve evidence in a manner acceptable to a judiciary system, foster professionalism grounded in the rule of law, or train indigenous police forces on the full spectrum of police skills that will be needed when U.S. forces depart (to name but a few)—all skills needed for democratic-style policing.”³⁰

In spite of their “police” designation, MPs are very different from civilian police officers, and turning the former into the latter would require drastic changes to their mandate, culture, training, and approach.³¹ U.S. military police simply do not get much experience in community police work the way their civilian counterparts in the

²⁷ U.S. Department of the Army, *Counterinsurgency*, FM 3-24, December 2006, para. 6-16.

²⁸ Kelly, *Options for Transitional Security*, p. 3.

²⁹ Kelly, *Options for Transitional Security*, p. 3.

³⁰ Kelly, *Options for Transitional Security*, p. 20.

³¹ Rachel Bronson, “When Soldiers Become Cops,” *Foreign Affairs*, November–December 2002.

United States do. Accordingly, the 2000 White Paper on “The Clinton Administration’s Policy on Strengthening Criminal Justice Systems in Support of Peace Operations” underlined that, in spite of all the military can do to help bridge the “security gap,” “Actions related to criminal justice are primarily civilian in character: military forces are not police officers . . . using military forces for law enforcement tasks over an extended period may send inappropriate signals to civil authorities and the local population, may place U.S. forces in situations for which they have not been thoroughly trained, and may detract from other purposes of the military forces.”³² Last, the use of the military in a policing role has, in the case of Afghanistan, put the United States at odds with its European allies, who advocate for a stronger focus on civilian policing skills.³³

Personnel Shortage. Policing is very personnel-intensive, and even the Department of Defense has had, at times, difficulties in providing sufficient numbers of MP or soldiers to cover policing needs. In Kosovo, the number of MP deployed was insufficient to ensure the security of the population.³⁴ Although usually well equipped to deal with crowd control, they found themselves unprepared and understaffed to respond to the particularly strong public protests that took place in early 2000.³⁵ In Iraq, the United States experienced a shortage of military police and civil affairs officers, an issue that the Army attempted to address in 2003 by reshuffling 100,000 positions between the active component and the reserve component.³⁶ In Afghanistan, military mentors for the ANP were diverted toward more military-oriented tasks, resulting in heightened risks, or decreased mobility, for the civilian mentors who worked with them.³⁷ It also limited CSTC-A’s

³² U.S. Department of State, *White Paper*.

³³ Perito, *Afghanistan’s Police*, p. 13.

³⁴ Noetic Corporation, *Observations*, p. 66.

³⁵ Gompert et al., *War by Other Means*, p. 230.

³⁶ David Ucko, *The New Counterinsurgency Era: Transforming the U.S. Military for Modern Wars*, Washington, D.C.: Georgetown University Press, 2009, p. 157.

³⁷ U.S. GAO, *Afghanistan Security*, p. 8.

ability to further develop programs such as the Focused Development District.³⁸

Blurring the Lines Between the Police and Military Roles. The use of military resources to help police or train police officers can result in a shift of the police mission itself.³⁹ In Iraq and Afghanistan, the United States has tended to use the police as a light infantry force that could provide operational support to armed forces.⁴⁰ This has resulted in ill-trained and inadequately equipped police forces. These units experienced disproportionate numbers of casualties, high desertion rates, and poor morale. The Iraqi police suffered 12,000 casualties (including 4,000 killed) in 2004–2006 alone.⁴¹ Between January 2007 and March 2009, approximately 3,400 Afghan police officers were killed or wounded in action; in 2007, combat losses were three times higher for the Afghan police than for the Afghan army.⁴²

Such use of the police deters quality recruits from joining the force or remaining in it, undermining—sometimes for a long time—the effectiveness of the force. It also undermines the entire training program itself. A GAO report stated that “despite the fact that the Afghan National Army is directly charged with defeating the insurgency and terrorism, the Afghan National Police are often reassigned from their training to provide immediate help with the counterinsurgency effort, thus delaying the completion of their training.”⁴³

³⁸ U.S. GAO, *Afghanistan Security*, p. 11.

³⁹ Using police forces for military COIN operations is especially tempting because police officers are cheaper to recruit and train than soldiers—an important consideration for some governments that may be struggling financially while fighting a counterinsurgency. Rosenau, *Low-Cost Trigger-Pullers*, p. 9.

⁴⁰ Rosenau, *Low-Cost Trigger-Pullers*, pp. 9–13.

⁴¹ Bayley and Perito, *The Police in War*, p. 15.

⁴² U.S. GAO, *Afghanistan Security*, p. 6.

⁴³ U.S. GAO, *Afghanistan: Key Issues*, p. 16.

The Department of State

The State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) is the key agency for law enforcement-related foreign assistance. As of 2010, INL was running programs with approximately 70 countries.⁴⁴ INL provides assessments and manages programs, but it has no operational capability and relies on other agencies (particularly in the Departments of Justice and Homeland Security) or contractors for implementation. INL manages foreign assistance funds devoted to law enforcement, which it transfers to the relevant implementing agencies. These agencies are selected on a case-by-case basis. Selection criteria include the type of specialized skills requested (for instance, the U.S. Marshals Service for court security), the work that a given agency has done in the past in a country, or the size of the mission (some agencies may not have the required capacity).⁴⁵

Capabilities

Interim Provision of Security. U.S. government agencies have sometimes been involved, generally in the context of international interventions, in providing interim security in countries where the law enforcement structures had collapsed. These efforts usually involve the reconstitution of an indigenous police force. In Kosovo, for instance, the United Nations Interim Administration Mission in Kosovo (UNMIK) used the services of more than 600 American contractors for its police operations.⁴⁶ In Haiti, the Brazilian-led UN Stabilization Mission in Haiti (referred to as MINUSTAH after its French acronym), established after the overthrow of President Aristide in 2004, was given the mandate of assisting with the restoration and maintenance of the rule of law, public safety, and public order in Haiti. As of September 2010, the United States had 42 police personnel in Haiti and was planning

⁴⁴ RAND discussion with Department of State official, Washington, D.C., August 2010.

⁴⁵ RAND discussion with Department of State official, Washington, D.C., August 23, 2010.

⁴⁶ Noetic Corporation, *Observations*, pp. 58–59.

to double the size of its individual police contingent in the following months.⁴⁷

Police Training and Mentoring. INL's main area of expertise is providing assessments, training, and mentoring. In Bosnia, the UN International Police Task Force (IPTF), which advised and trained the Bosnian police, included several hundred U.S. international police monitors who had been provided by DynCorp at INL's initiative.⁴⁸ In Kosovo, the United States also sent approximately 80 police officers to EULEX to train and mentor Kosovo's police.⁴⁹

At the beginning of the Iraq war, INL contracted with DynCorp International to hire and train 500 U.S. police advisors. These police advisors were not armed (except for self-defense) and were not authorized to perform police duties, but they were tasked with training officers from the Iraqi Police Service, the National Police Service, and Iraqi Border Guards in Jordan.⁵⁰ Recruits trained in Jordan were given a curriculum based on the one that had been used in Kosovo. However, the Kosovo program had been made for an actual transitional situation—not for the type of nonpermissive environment that prevailed in Iraq at the time. As a result, the course of study was inappropriate for Iraqi trainees, who were not only poorly prepared, but also highly vulnerable.⁵¹

In Afghanistan, Germany initially took the lead in police reform and focused its efforts on training officers and noncommissioned officers, while the United States developed its own police assistance program for lower ranks under the lead of the State Department. INL was

⁴⁷ "Supporting Stability in Haiti," VOANews.com, September 24, 2010.

⁴⁸ Bayley and Perito, *The Police in War*, p. 41; Dobbins et al., *America's Role in Nation Building*, p. 93.

⁴⁹ Noetic Corporation, *Observations*, p. 62.

⁵⁰ Kelly et al., *A Stability Police Force for the United States*, p. 105; Bayley and Perito, *The Police in War*, p. 41.

⁵¹ Bayley and Perito, *The Police in War*, p. 41. In *U.S. Police in Peace and Stability Operations* (p. 10), Perito says that "Only during 2006, with the addition of classes on officer protection and defensive tactics, did the emphasis for recruit training change to policing in a nonpermissive environment."

in charge of overseeing police training, including contracting trainers and mentors.⁵² INL established a training center in Kabul followed by seven regional training centers, all of which were staffed by DynCorp contractors.⁵³ As of June 2006, the eight training centers had trained more than 60,000 police officers.⁵⁴ The quality of the police program was questioned on several grounds. According to Robert Perito, “Few of the American instructors were professional police trainers and there was little or no use of adult-learning techniques.”⁵⁵ Teaching facilities were rudimentary and instructors had to rely on Afghan translators—who were not necessarily knowledgeable in law enforcement terminology—to communicate with their trainees.⁵⁶

Infrastructure and Equipment. INL provides equipment to local law enforcement forces in the *context* of foreign assistance. In some cases, other agencies such as ICITAP conduct the needs assessment. The equipment provided is nonlethal and encompasses individual equipment, such as uniforms and batons, as well as unit equipment (vehicles, radios, etc.).⁵⁷ INL also oversees the construction or reconstruction of infrastructure such as police stations or police academies. In Afghanistan, INL contracted with DynCorp to build the eight centers where the Afghan police forces would be trained.⁵⁸

⁵² Inspectors General, *Interagency Assessment*, p. 18.

⁵³ Inspectors General, *Interagency Assessment*, p. 7.

⁵⁴ Inspectors General, *Interagency Assessment*, p. 7.

⁵⁵ Perito, *Afghanistan's Police*, p. 4.

⁵⁶ Perito, *Afghanistan's Police*, p. 4. For an assessment of ANP training quality, see, among others, U.S. GAO, *Afghanistan Security*; and Anthony Cordesman, “Shaping Afghan National Security Forces: What It Will Take to Implement President Obama’s New Strategy,” Center for Strategic and International Studies, December 10, 2009, pp. 63–92.

⁵⁷ Inspectors General, *Interagency Assessment*, p. 7.

⁵⁸ Inspectors General, *Interagency Assessment*, p. 7.

Vetting. In Afghanistan, INL has been involved in the vetting process of police recruits.⁵⁹ One important capability related to vetting is the identification and management of police personnel. In cooperation with the Afghan Ministry of Interior, INL checked the identity of more than 103,000 police personnel, who were subsequently issued an identification card and registered in a police database.⁶⁰

Counternarcotics. INL's Narcotics Affairs Section (NAS) has been particularly active in Colombia, where it “. . . oversees eradication support operations for the CNP [Colombian National Police] and works closely with the CNP's Anti Narcotics Directorate (DIRAN) by providing equipment (i.e. helicopters and rotary-wing aircraft), related logistics and training to conduct these operations.”⁶¹

In Afghanistan, INL/NAS coordinates the counternarcotics programs.⁶² The Assistant Secretary of State for INL chairs the Inter-Agency Counternarcotics Strategy Group, which centralizes all U.S. agencies initiatives for countering drugs in Afghanistan.⁶³ In April 2004, INL/NAS launched a Central Poppy Eradication Force, which experienced initial difficulties before being restructured the following year into smaller, more mobile teams under the name of Afghan Eradication Forces (AEF). The AEF has succeeded in eradicating large areas of poppy crops.⁶⁴ INL also supports eradication by reimbursing governors for each eradicated hectare of land.⁶⁵

Institution-Building. Through the Coalition Provisional Authority (CPA), INL reorganized the Iraqi Ministry of Interior. It incorporated a Department of Border Enforcement in the Ministry of Interior

⁵⁹ U.S. GAO, *Afghanistan Security*, p. 20. This report notes, however, “Because they had not systematically compiled their records of the background checks, State officials could not provide us with the number of officers whose backgrounds they had checked or with detailed information concerning the results of the background checks.”

⁶⁰ U.S. GAO, *Afghanistan Security*, p. 24.

⁶¹ Noetic Corporation, *Observations*, p. 34.

⁶² Inspectors General, *Interagency Assessment*, p. 18.

⁶³ Inspectors General, *Interagency Assessment*, p. 18.

⁶⁴ Inspectors General, *Interagency Assessment*, p. 31.

⁶⁵ Inspectors General, *Interagency Assessment*, p. 32.

that encompassed duties (border control, customs, immigration) previously spread between different ministries.⁶⁶ In Afghanistan, INL contractors assisted in the reform of the MoI.⁶⁷

Gaps

INL has the broadest set of law enforcement capabilities in the U.S. government. That said, its focus is on “normal” law enforcement—type training of foreign police. INL is not well suited for creating constabulary-type police forces like the French Gendarmerie or the Italian Carabinieri, both of which are well suited for conducting police operations in a high-threat situation like an insurgency.

A recurrent concern is the fact that INL is not an operational agency and has to rely on outside contractors to perform its missions. The advantage of the contractor system is its flexibility: INL can resort to contractors when needed and does not need to have that capability on a permanent basis—a solution that would be extremely costly considering the large number of personnel required to fulfill needs in Iraq and Afghanistan. On the other hand, as discussed in Chapter Two, the use of contractors can generate negative effects and raise legal and operational issues. To begin to address these issues, INL is in the process of creating its own technical capacity with a small number of personnel working on police, justice, and corrections and who could act as supervisors, provide assessments, and design programs, along with the larger force of contractors.⁶⁸

The Department of Justice

Numerous DoJ agencies provide assistance to foreign police forces. The list includes the International Criminal Investigative Training Assistance Program (ICITAP), the U.S. Marshals Service (USMS), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol,

⁶⁶ Jones et al., *Establishing Law and Order After Conflict*, p. 125.

⁶⁷ Kelly et al., *A Stability Police Force for the United States*, p. 105.

⁶⁸ RAND discussion with Department of State official, Washington D.C., August 23, 2010.

Tobacco, Firearms and Explosives (ATF). Several other agencies play a more modest or focused role in law enforcement, but their activities are not discussed in detail here.

The International Criminal Investigative Training Assistance Program

ICITAP is part of DoJ's Criminal Division. When it was established in 1986, it was active only in the Western Hemisphere, where its mandate was to assist law enforcement agencies of U.S. allies with funding from the State Department and USAID.⁶⁹ Its main activity was to offer short courses of two to five weeks to criminal investigators.⁷⁰ The U.S. intervention in Panama in 1989 and the reform of that country's security sector became ICITAP's first large-scale mission. ICITAP helped establish the national police and a training program for the new recruits of the Panama National Police (PNP).⁷¹ ICITAP has funded programs in approximately 40 countries around the world.

Today, ICITAP provides institutional reform and capacity-building in the police, investigative, border security, forensics, and corrections sectors. Overseas development activities include on-the-ground, preprogram assessments; curriculum and academy development; classroom training, seminars, and workshops; internships; equipment donations; donor coordination; and on-the-job training and mentoring provided by embedded long-term advisors.⁷² ICITAP does not engage in law enforcement operations.⁷³ ICITAP's programs are funded by and conducted in partnership with the State Department, USAID, the Defense Department, and the Millennium Challenge Corporation (MCC).⁷⁴

⁶⁹ Oakley and Dziedzic, "Policing the New World Disorder," p. 5.

⁷⁰ Bayley and Perito, *The Police in War*, p. 34.

⁷¹ Noetic Corporation, *Observations*, p. 14.

⁷² RAND communication with Department of Justice official, December 2010.

⁷³ Charles T. Call, "Institutional Learning Within ICITAP," in Robert Oakley, Michael Dziedzic, and Eliot Goldberg, eds., *Policing the New World Disorder: Peace Operations and Public Security*, Washington, D.C.: National Defense University Press, 1998, p. 316.

⁷⁴ RAND communication with Department of Justice official, December 2010.

Capabilities

Providing Needs Assessment. In May 2003, two months after the beginning of the invasion of Iraq and the looting of Baghdad, ICITAP advised U.S. forces to deploy more than 6,600 international police advisors to Iraq as well as 2,500 constabulary forces to help U.S. forces restore order and to act as trainers for the Iraqi police.⁷⁵

Developing New Police Forces (Police Academies and Training). ICITAP played an important role in the development of the PNP following the U.S. military operation in Panama. It set up a police academy for the PNP and developed the corresponding curriculum.⁷⁶ It also created a second police academy focused specifically on investigations.⁷⁷ In El Salvador, the Chapultepec peace accord called for the creation of a new police force, which ICITAP helped set up with the assistance of a Spanish technical team.⁷⁸ In Somalia, ICITAP created a police academy in Mogadishu, as well as regional training centers in Baidoa and Calcaio.⁷⁹ In Bosnia, it supported the International Police Task Force by providing it with training, particularly in human rights.⁸⁰ In Kosovo, ICITAP wrote the training curriculum and provided 25 percent of the training staff for the Kosovo Police Service School set up in 1999 by OSCE.⁸¹ In Colombia, ICITAP teaches basic investigative skills to CNP officers.⁸²

Institution-Building (Including Vetting of Police Forces). ICITAP assists countries in developing legislation on a large range of law enforcement issues, including police reform and legal tools to fight transna-

⁷⁵ Bayley and Perito, *The Police in War*, p. 34. The Defense Department did not follow this recommendation.

⁷⁶ Marenin, "The Role of Bilateral Support," p. 100.

⁷⁷ Bayley and Perito, *The Police in War*, p. 34.

⁷⁸ U.S. GAO, *Aid to El Salvador: Slow Progress in Developing a National Civilian Police*, GAO/NSIAD-92-338, September 1992, p. 2.

⁷⁹ Bayley and Perito, *The Police in War*, p. 36.

⁸⁰ Bayley and Perito, *The Police in War*, p. 43.

⁸¹ Jones et al., *Establishing Law and Order*, p. 35.

⁸² Noetic Corporation, *Observations*, p. 38.

tional organized crime and other offenses. It also helps countries establish and implement professional standards (including for recruiting and hiring) for their police forces and for corrections, border security, investigative, and forensics institutions. In Iraq, it assisted in setting up, equipping, and training the investigative units of the Commission on Integrity, whose purpose was to prevent and investigate corruption within the government.⁸³ In Panama, ICITAP set up an Office of Professional Responsibility for internal investigations related to misconduct or abuses committed by police officers.⁸⁴ It also took over from the military police the task of vetting the candidates for the new Panama police.⁸⁵ In Kosovo, ICITAP assisted the Ministry of Internal Affairs in drafting law enforcement legislation and promoted police forces representative of the overall population through a “Policing Across Ethnic Boundaries” program.⁸⁶

Equipping the Police. ICITAP has the capacity to provide a wide range of equipment to the foreign law enforcement agencies it works with, within limits established by U.S. law and in accordance with ICITAP’s interagency agreements.⁸⁷

Equipment donations may involve complex technology, such as border security information systems and biometric databases; high-value equipment, such as forensic laboratory equipment or high-speed patrol boats; and basic equipment, such as protective gear for police.⁸⁸ In Somalia, ICITAP and the U.S. military rebuilt police stations.⁸⁹ In Kosovo, ICITAP established the Central Kosovo Police Forensic Laboratory.⁹⁰ In Colombia, ICITAP provides police equipment including

⁸³ RAND telephone discussion with Department of Justice official, October 21, 2010.

⁸⁴ Marenin, “The Role of Bilateral Support,” p. 100.

⁸⁵ Noetic Corporation, *Observations*, p. 18.

⁸⁶ Noetic Corporation, *Observations*, p. 64.

⁸⁷ RAND communication with Department of Justice official, December 2010.

⁸⁸ RAND telephone discussion with Department of Justice official, October 21, 2010.

⁸⁹ Bayley and Perito, *The Police in War*, p. 36.

⁹⁰ Noetic Corporation, *Observations*, p. 64.

communications material and vehicles.⁹¹ In Indonesia and the Philippines, ICITAP stood up new high-speed special boat units, which included purchasing and overseeing construction and delivery of 26 high-speed patrol boats. ICITAP works to ensure that host nation law enforcement officers are trained to properly use and maintain all donated equipment. Funding for police equipment is obtained through interagency agreements with DoD, DoS, USAID, and MCC.⁹²

Gaps

Like many other agencies, including INL, ICITAP must rely on outside contractors for large missions.⁹³ One issue for ICITAP is its lack of independent funding. All its programs are funded by the DoS, the DoD, USAID, and MCC. As a result, ICITAP has very little control over how long its programs can last or how comprehensive they can be. Experience has shown that police education and training usually need to be complemented by institutional reform—an effort that can take several years. ICITAP attempts to take this into account in the programs it develops, but the extent to which it can decide the scale of its involvement is limited.⁹⁴

United States Marshals Service

Although its main focus is domestic,⁹⁵ the U.S. Marshals Service (USMS) is routinely involved in operations abroad. In FY 2009, it

⁹¹ Noetic Corporation, *Observations*, p. 38.

⁹² RAND telephone discussion with Department of Justice official, October 21, 2010.

⁹³ However, ICITAP's federal employees maintain control over the development, management, and review of the agency's programs.

⁹⁴ Marenin, "The Role of Bilateral Support," p. 101.

⁹⁵ The missions of the USMS include protecting judiciary personnel and witnesses, protecting court facilities, and protecting dignitaries (including the Director of the Office of National Drug Control Policy and the Deputy Attorney General). The USMS is responsible for the custody and transportation of federal prisoners. It apprehends federal fugitives, federal escaped prisoners, and individuals who have violated their probation or parole. It assists states in arresting fugitives who crossed the state borders. It also manages and sells property

trained more than 1,315 foreign officials from 19 countries.⁹⁶ In the context of U.S. Operation Just Cause in Panama, it was tasked by DoD with conducting the formal arrest of Panamanian head of state Manuel Noriega, who at the time was under a U.S. federal warrant. The USMS also arrested other Panamanian nationals wanted by the U.S. justice system and screened passengers at Panama's international airport.⁹⁷ In Colombia, the USMS has been actively assisting Colombian authorities in the extradition of narcotraffickers wanted in the United States.⁹⁸

The USMS's Special Operations Group (SOG), a tactical unit based in Camp Beauregard, Louisiana, is specially trained in emergency response, crowd control, and responding to civil disorders.⁹⁹ Its 80–100 deputy marshals are called upon when there is a need for extraordinary measures or if work is to be conducted in an austere, nonpermissive environment.¹⁰⁰ The SOG was in Iraq until September 2009 and is presently at work in Afghanistan.¹⁰¹ The USMS, however, has no direct appropriation under the Foreign Assistance Act (FAA) to operate abroad. All its funds for foreign activities come from INL and, to a lesser extent, USAID and the Department of Defense.¹⁰²

Capabilities

Institution-Building. In Afghanistan, the USMS cooperated with DEA to set up a Central Narcotics Judicial Center (CNJC), where high-level cases related to narcotics are prosecuted. The USMS ensured

forfeited to the government in narcotics cases. USMS, Major Responsibilities of the U.S. Marshals Service, U.S. Marshals Service Factsheet, December 30, 2009.

⁹⁶ USMS, *International Operational and Training Accomplishments Fiscal Year 2009*, March 2010, p. 18.

⁹⁷ Noetic Corporation, *Observations*, pp. 9–11.

⁹⁸ Noetic Corporation, *Observations*, p. 37.

⁹⁹ Kelly et al., *A Stability Police Force for the United States*, p. 91.

¹⁰⁰ USMS, Major Responsibilities of the U.S. Marshals Service, U.S. Marshals Service Factsheet.

¹⁰¹ USMS, *International Operational and Training Accomplishments*, p. 13.

¹⁰² RAND interview with USMS official, Arlington, Virginia, August 2010.

the security of the judges and witnesses involved in cases brought up to the CNJC.¹⁰³

Judicial Security and Associated Training. In the context of the assistance provided by the United States to the government of Colombia through Plan Colombia, the USMS has trained local law enforcement agencies to ensure the protection of judiciary personnel and witnesses.¹⁰⁴ In Iraq and Afghanistan, it created a Judiciary Security Unit consisting of local police officers, whom it trained and mentored in judicial security.¹⁰⁵ The USMS protected Iraqi judges and court facilities until the INP could take over this task.¹⁰⁶ In Afghanistan, it has focused on securing judiciary personnel, witnesses, and facilities of the special drug court in Kabul.¹⁰⁷ Since 2009, the U.S. embassy in Kabul has made judicial security one of its primary missions, resulting in the USMS working alongside DoD, DoJ, and the Rule of Law personnel at the embassy on improving local capacity in this domain.¹⁰⁸

Police Training. In Colombia, the USMS has trained personnel from the Colombian National Police and the *Fiscalía General de la Nación* (the equivalent of the Office of the Attorney General) in security situation assessment, threat response, judicial protection, and tactical training.¹⁰⁹ In Iraq, it trained an Iraqi National Police unit in dignitary protection, and has trained police officers in capturing high-profile fugitives.¹¹⁰ In Iraq and Afghanistan, the USMS is also part of the Department of Justice Major Crimes Task Force whereby agents

¹⁰³RAND interview with USMS official, Arlington, Virginia, August 2010.

¹⁰⁴Noetic Corporation, *Observations*, p. 39.

¹⁰⁵RAND interview with USMS official, Arlington, Virginia, August 2010; USMS, *International Operational and Training Accomplishments*, p. 13.

¹⁰⁶RAND interview with USMS official, Arlington, Virginia, August 2010.

¹⁰⁷RAND interview with USMS official, Arlington, Virginia, August 2010.

¹⁰⁸USMS, *International Operational and Training Accomplishments*, p. 13.

¹⁰⁹USMS, *International Operational and Training Accomplishments*, p. 19.

¹¹⁰Kelly et al., *A Stability Police Force for the United States*, p. 96; RAND interview with USMS official, Arlington, Virginia, August 2010.

from the FBI, DEA, ATF and USMS partner with a unit of the local police.

Providing Expertise and Support for Investigations. In preparation for the trial of former Iraqi leader Saddam Hussein, the USMS helped the Iraqi police collect evidence.¹¹¹ In the former Yugoslavia, the USMS assisted the U.S. military in apprehending fugitives involved in war crimes.¹¹²

Equipping Local Law Enforcement Forces. The USMS can provide nonlethal equipment to foreign police forces through INL: vehicles, bulletproof vests, police batons, other less-than-lethal weapons, and handcuffs.¹¹³ It also provided the Iraqi and Afghan security forces with security equipment for judicial and witness security.¹¹⁴

Securing Judicial Infrastructure. The USMS is routinely consulted on the security aspect of judicial infrastructure and makes recommendations as to how buildings should be designed to ensure safe entrance and exit of judiciary personnel and witnesses, and what security equipment they should feature.¹¹⁵ In Iraq, the USMS participated in the design of courts, judicial housing, and safe sites for witnesses.¹¹⁶

Gaps

The USMS covers the three domains of police, courts, and corrections and can readily identify the interactions between the three, avoid overlapping efforts, and more generally ensure good synergy between the reform efforts in the three domains. Several factors, however, currently limit its action.

¹¹¹ Kelly et al., *A Stability Police Force for the United States*, p. 93.

¹¹² Kelly et al., *A Stability Police Force for the United States*, p. 94.

¹¹³ Noetic Corporation, *Observations*, p. 39; RAND interview with USMS official, Arlington, Virginia, August 2010.

¹¹⁴ USMS, Tactical Operations Division Factsheet, December 30, 2009.

¹¹⁵ RAND interview with USMS official, Arlington, Virginia, August 2010.

¹¹⁶ USMS, Tactical Operations Division Factsheet.

- The USMS has a small capacity (there are only 80–100 deputy marshals in the SOG),¹¹⁷ which makes it difficult for it to train sufficient numbers of foreign police officers.¹¹⁸ In Iraq, at the height of USMS operations, 16 deputy marshals were deployed, many of them from the SOG. As of mid-2010, only two deputy marshals remained to work with the Major Crimes Task Force. In Afghanistan, the number of deputy marshals was planned to double from four to eight in mid-2010.¹¹⁹ As a result, USMS action in Iraq and Afghanistan was limited to the capital cities, although provincial and local courts could have benefited from their expertise.¹²⁰
- The USMS is still relatively new to the field of international law enforcement assistance and is going through a learning process. USMS missions abroad have been relatively limited and on a small scale, and the agency's current structure is unlikely to make it possible for it to undertake larger operations without institutional changes.¹²¹
- The USMS has the capacity to provide basic policing skills training, but it is better suited at teaching specialized advanced tactical specialties and judicial security-related skills.
- The USMS has no control over ICITAP funding for international operations and consequently has little say in how long activities can be sustained. This creates the risks of a lack of coherence in efforts and an inability to establish long-term programs.

¹¹⁷ USMS, Tactical Operations Division Factsheet.

¹¹⁸ Kelly et al., *A Stability Police Force for the United States*, p. 99.

¹¹⁹ RAND interview with USMS official, Arlington, Virginia, August 2010.

¹²⁰ The USMS conducted a needs assessment of provincial courts in Iraq, but there are currently no plans for the USMS to secure these courts or train local personnel to do so. USMS, *International Operational and Training Accomplishments*, p. 12.

¹²¹ Kelly et al., *A Stability Police Force for the United States*, p. 95.

Drug Enforcement Agency

The DEA has an International Training Section that has been active in providing U.S. partner countries counternarcotics training since 1969. Courses include narcotics-related investigation, pharmacology, drug identification and financial investigation, and cover the whole spectrum of issues raised by narcotics production and trafficking. Like other agencies, such as ATF, DEA offers courses in the International Law Enforcement Academies (ILEA) that are currently operating in Hungary, Thailand, Botswana, and El Salvador.¹²²

Capabilities

Police Training. In Panama, DEA assisted the new police force and its specialized units with counternarcotics investigations.¹²³ DEA is particularly active in Colombia, where it works with the U.S. Mil-Group and INL to support the Colombians in their eradication and interdiction efforts.¹²⁴ It has been leading a judicial wire intercept program, through which it trains and mentors the Colombian police in using wiretapping in drug-related investigations.¹²⁵

In Afghanistan, DEA is the lead agency for interdiction efforts. In 2006, it launched a five-year plan with four main goals: train, advise and mentor the Counter Narcotics Police of Afghanistan (CNP-A); enable Afghan counternarcotics units to share intelligence effectively with their foreign counterparts; prosecute narcotraffickers; and reduce the availability of drugs in the region.¹²⁶ DEA also trains and mentors the Afghan National Interdiction Unit, teaching interdiction and investigation techniques at the National Interdiction Center in Kabul.¹²⁷

¹²²U.S. Drug Enforcement Administration web site, "International Training," n.d.

¹²³Noetic Corporation, *Observations*, p. 15.

¹²⁴Noetic Corporation, *Observations*, p. 34.

¹²⁵Noetic Corporation, *Observations*, p. 37.

¹²⁶Inspectors General, *Interagency Assessment*, p. 38.

¹²⁷Inspectors General, *Interagency Assessment*, pp. 12 and 18.

Screening of Police Personnel. DEA took part in the screening of candidates for the Afghan Counter Narcotics Police's Special Investigative Unit, an effort that resulted in disqualifying one-third of the candidates who had been previously selected.

Gaps

The work of DEA is limited to counternarcotics. As a result, its use in COIN transitions is relevant only in cases where insurgencies are connected to the narcotics trade. The agency's international capacity remains limited, and a report by the Department of Defense and State Department Inspectors General mention a "personnel challenge" for the DEA in Afghanistan, making it difficult for the agency to simultaneously conduct interdiction operations and train and mentor Afghan counternarcotics units.¹²⁸

Bureau of Alcohol, Tobacco, Firearms and Explosives¹²⁹

ATF's international missions focus on training on explosives (post-blast investigations, improvised explosive devices [IEDs], etc.) and firearms (basics of use, safety, identification, and investigation). ATF has no autonomous funding for international missions, except for its attachés at the U.S. embassies in Canada, Mexico, Colombia, Iraq, and El Salvador. When deployed abroad, its agents work at the direction of the State Department or, in the case of a U.S. military operation, such as in Iraq or Afghanistan, the Defense Department. Its staff for international missions is small. Iraq was the first time ATF got involved in a large-scale international mission. ATF supports the State Department and ICITAP in their overall programs.

¹²⁸Inspectors General, *Interagency Assessment*, p. 5. The report adds: "An analysis of DEA personnel resources assigned to major illicit drug source locations reveals that proportionately fewer personnel are assigned to Afghanistan than elsewhere."

¹²⁹Unless otherwise indicated, the section on ATF is based on the information gathered during a RAND discussion with an ATF special agent, Washington, D.C., August 17, 2010.

Capabilities

Interim Law Enforcement. In Iraq, ATF assisted the Iraqi security forces in investigations when it could provide specialized skills that the Iraqi police had not yet acquired. ATF also conducts occasional consultancies. In 2003, after the fall of Saddam Hussein's regime, DoD asked it to help locate the bulk of Iraqi government-owned firearms. In 2009, ATF was involved in the investigation that followed the bombings of several ministries in Baghdad. ATF also worked with DoD's Defense Criminal Investigative Service to investigate the diversion of a large number of firearms that had been distributed to the Iraqi police forces.

Police Training. In Bosnia, Kosovo, and Colombia, ATF trained the police on post-blast explosives investigation. In Iraq, ATF has deployed a total of 60 officers since 2003. ATF taught part of the counterterrorism course for the IPS organized by the FBI under ICITAP's supervision in 2004–2005 in Baghdad. ATF also helped set up the facility at Camp Dublin where it trained the IPS on explosives. Over the course of these two programs, in 2004 and 2007, the ATF trained 300 to 400 personnel.

ATF is also part of an international Combined Explosive Exploitation Cell (CEXC) that conducts explosive-related investigations and includes bomb technicians from the U.S., British, and Australian militaries, as well as agents from several other U.S. government agencies. The responsibility for this CEXC should transition eventually to the Iraqi security forces. ATF was also on the Regime Crime Task Force and on the Major Crime Task Force that were created by the U.S. attorney general in 2006. The Major Crime Task Force consists of FBI, DEA, ATF and USMS personnel embedded with a group of Iraqi police officers and judicial investigators, whom they train in evidence collection and case management. The task force intervenes when the INP is faced with a particularly complex investigation case. It will ultimately be run by the INP itself.¹³⁰

¹³⁰RAND interview with USMS official, Arlington, Virginia, August 2010; USMS, *International Operational and Training Accomplishments*, p. 11; U.S. Department of Justice web site,

In Afghanistan, ATF trains the U.S. military in post-blast explosives investigation, but does not train Afghan security forces. A CEXC and a Major Crimes Task Force are being set up on the model of those in Iraq.¹³¹

Gaps

Gaps in ATF are similar to those identified in ICITAP and DEA. These agencies have a small capacity and practically no independent funding, limiting their ability to establish large-scale and lasting programs.

With regard to counterinsurgency and the increasing use of IEDs, explosive-related training can be particularly sensitive. In Iraq, it became rapidly clear that some of the skills that were being taught to the Iraqi police in classrooms were subsequently used against U.S. troops. Such training assumes the loyalty of police recruits—an assumption that may be a step too far in some cases.

The Department of Homeland Security

DHS logically focuses on domestic issues, but the skills developed by its agencies can have direct applications in international law enforcement, as in the case of border control. The agencies most relevant for building police capabilities abroad are the U.S. Coast Guard (USCG) and, to a lesser extent, the U.S. Immigration and Customs Enforcement (ICE), the U.S. Customs and Border Protection, and the U.S. Secret Service (USSS).

U.S. Coast Guard

The USCG focuses on law enforcement that deals with some important prerogatives of the government, such as countering smuggling, illegal fishing, and uncontrolled pollution. USCG missions in a COIN transition phase can contribute to securing the host nation's border, deny

“Major Crimes Task Force,” n.d.; RAND discussion with ATF special agent, Washington, D.C., August 17, 2010.

¹³¹ RAND discussion with ATF special agent, Washington, D.C., August 17, 2010.

insurgents some illegal means of financing, and reinforce the legitimacy of the state by giving it control of its territory and ensuring that it does not lose revenue through illegal export of its resources. With regards to capacity-building, the USCG has a good understanding of the capabilities and limits of small navies (i.e., navies meant for maritime security rather than power projection), which makes it particularly suitable for the type of navies of many nations facing insurgencies. The Coast Guard represents the only U.S., federal-level, constabulary-type police force roughly similar to its European counterparts like the Carabinieri. The Coast Guard is, however, focused exclusively on maritime security and law enforcement.

Capabilities. Interim Law Enforcement. Six hundred Coast Guard personnel were deployed in Iraq in 2003, the first time that the USCG was deployed to a conflict zone since the Vietnam War.¹³² They conducted maritime interdiction operations, and patrolled the coast.¹³³ They have also been involved in Colombia, where their efforts through the Joint Inter-Agency Task Force–South (JIATF-S) have focused on counterdrug operations and, more specifically, maritime interdiction operations.¹³⁴

Police Training. The USCG Office of International Affairs and Foreign Policy routinely engages in law enforcement capacity-building and the provision of technical assistance in numerous countries. It usually does so as a service provider to the State Department or the combatant commands.¹³⁵ The USCG has mobile training teams that travel to partner countries to provide training in fields that include maritime law enforcement, marine safety, small boat operation and main-

¹³²Vice Admiral James Hull, Commander Cari Thomas, and Lieutenant Commander Joe DiRenzo III, USCG, “What was the Coast Guard Doing in Iraq?” *Proceedings*, Naval Institute, Vol. 129/8/1, 206, August 2003.

¹³³American Forces Press Service, “‘Coasties’ Active Player in War on Terrorism,” August 6, 2004.

¹³⁴Noetic Corporation, *Observations*, p. 86.

¹³⁵RAND discussion with USCG officials, November 9, 2009.

tenance, and search and rescue.¹³⁶ At the institutional level, USCG has a team of about 50 dedicated trainers based in Yorktown, Virginia. They travel extensively, are trained in cross-cultural communications, and are familiar with the work of building capacity in different environments.¹³⁷

Gaps. The USCG team of dedicated trainers is small, and this capacity would need to be enhanced if the USCG were to engage in large-scale or longer-term training of law enforcement forces. Obviously, USCG skills are only useful in countries where insurgent or criminal threats originate in a maritime environment.

Other Department of Homeland Security Agencies

The U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) have played a role in COIN contexts. In Colombia, they work with INL to provide training and technical assistance to the Colombian border police.¹³⁸ In Iraq, CBP has been training the border police.¹³⁹

The U.S. Secret Service (USSS) has several field offices overseas, and a number of its agents work in U.S. embassies on criminal cases, but they generally are not involved in training local law enforcement forces.¹⁴⁰ Although one of their stated objectives is to “[i]ncrease liaison, training and other services to foreign financial institutions, governments and law enforcement agencies to prevent, detect and suppress foreign-manufactured, counterfeit U.S. currency,”¹⁴¹ in a COIN transition context, the financial fraud investigation side of their mandate may not be a priority for a host nation struggling to provide more basic

¹³⁶U.S. Coast Guard, “Training & Technical Assistance: International Affairs,” August 20, 2010.

¹³⁷RAND discussion with USCG officials, November 9, 2009.

¹³⁸Noetic Corporation, *Observations*, p. 36.

¹³⁹Keller, *U.S. Military Forces*, pp. 7–8.

¹⁴⁰The U.S. Secret Service has two broad missions: to protect dignitaries, and to investigate financial fraud (including counterfeiting, credit card fraud and bank fraud).

¹⁴¹U.S. Department of Homeland Security, *United States Secret Service Strategic Plan (FY 2008–FY 2013)*.

policing services (even though a safe financial system is an important condition to state stability in the longer term). The USSS proved useful in Iraq, where it participated in the Iraq Threat Finance Cell that investigated terrorist and insurgent financing.¹⁴² Protection of dignitaries could be another relevant task, especially with regard to the high-level (and high-risk) meetings and peace negotiations that may be taking place during the transition phase.

¹⁴²U.S. Department of Homeland Security, *United States Secret Service, Fiscal Year 2008 Annual Report*, n.d., p. 34.

U.S. Government Agencies Involved in Building or Supporting Justice and Corrections Capabilities

Department of State

The State Department plays a major role in designing, funding and overseeing justice and corrections reform programs through its Bureau of International Narcotics and Law Enforcement Affairs (INL). INL does not implement programs itself; rather, it provides funds to other U.S. government agencies (such as DoJ) and to for-profit and nonprofit contractors and grantees to support their implementation of justice system and corrections programs overseas. Its program funding levels and strategic priorities are set in coordination with regional and other bureaus of DoS and, where appropriate, other U.S. government agencies. INL played a key role in early development and management of post-conflict police and corrections programs in the 1990s, particularly in Kosovo and Haiti, and has played an increasing role in U.S. rule-of-law programs in recent years, including in Afghanistan, Iraq, Sudan, and Lebanon.¹

In varying combinations in different countries where it has programs, INL channels funds for judicial and prosecutorial development efforts. INL funds training, equipping, provision of secure office space and deployment of advisors. These advisors provide technical advice on such topics as case management, anticorruption techniques, and legislative reform, as well as promotion of public awareness of legal rights.

¹ Center for Law and Military Operations, Judge Advocates General's Legal Center and School, U.S. Army, *Rule of Law Handbook: A Practitioner's Guide for Judge Advocates*, 2010, p. 39.

INL also funds programs aimed at enhancing legal education, including support for law school curriculum reform. With regard to corrections, INL pays for such activities as deployment of advisors, guard training, improvement of records management, salary support for host nation corrections officers, equipment and construction, and refurbishment of prisons.

Capabilities

INL's capabilities are essentially those of a funder and manager: It plans programs and budgets, engages implementers, and oversees program implementation. Actual program execution capabilities reside with INL's contractors, grantees, and the other U.S. government agencies whose overseas activities use INL funds.

Iraq provides an example of how INL directs its criminal justice funds in a COIN transition environment. In FY 2011, INL funds support justice capacity-building efforts involving training, advice, and technical assistance to the Iraqi judiciary; development of the Iraqi Corrections Service (ICS); and transition of prison operations to full ICS control. Some specific activities include helping Iraqis identify impediments to the effective and efficient functioning of their criminal justice process, helping establish an Iraqi capacity to provide continuing legal education to judges and other court personnel, developing capacity to assess security threats and vulnerabilities to judicial facilities and personnel, and modernizing court administration. INL will pay for one or two advisors to help develop the ICS and ten resident legal advisors who, among other things, will help design and oversee U.S. government funded rule-of-law programs in Iraq.²

In FY 2011, Iraq continues to be the locus of one of INL's largest programs (including justice, police, and counternarcotics activities) in the world, second only to Afghanistan. For its criminal justice program in Iraq, INL spent \$12 million in FY 2009 (from a supplemental appropriation), an estimated \$19 million in FY 2010, and requested \$2.5 million for FY 2011. For its corrections program, INL spent no

² U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, "FY 2011 Program and Budget Guide," pp. 3, 103–106.

funds in FY 2009, an estimated \$17 million in FY 2010, and requested \$1 million for FY 2011.³

The U.S. government's counternarcotics effort in Afghanistan offers an example of how INL and other agencies, including DoD, DoJ, and DEA, can work together to build police, justice, and corrections capacity in an integrated manner. Collectively, these agencies provide training, mentoring, equipment, and other support for Afghanistan's specialized counternarcotics police and vetted investigative units, prosecutors, and judges. The United States has built a Counter-Narcotics Justice Center in Kabul that houses the counternarcotics tribunal (the Central Narcotics Tribunal), prosecutors, and investigators and includes a secure detention facility. U.S. advisors from DoJ also drafted Afghanistan's counternarcotics law. INL has funded the deployment of the DoJ advisors⁴ and has provided security for judicial officers. Both INL and DoD have funded DEA activities, which include training and mentoring of specialized investigators. And both INL and DoD have supported development of the Counter-Narcotics Police of Afghanistan with training, equipping, and facilities construction and maintenance.⁵ For FY 2011, INL has requested \$12 million for counternarcotics, justice and anticorruption activities in Afghanistan, in addition to \$98 million for justice system development and \$80 million for corrections system development—in all, an exceptionally large justice program.

³ U.S. Department of State, Bureau of International Narcotics, "FY 2011 Program and Budget Guide," p. 106.

⁴ Nine federal prosecutors and three former federal investigators were deployed to work with counternarcotics justice personnel as of May 2010, in addition to 32 U.S. justice advisors working more generally on criminal justice development. U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, Rule of Law Programs: Afghanistan, Fact Sheet, May 3, 2010.

⁵ United States Department of State and the Broadcasting Board of Governors Office of Inspector General, Middle East Regional Office, "Status of the Bureau of International Narcotics and Law Enforcement Affairs Counternarcotics Programs in Afghanistan: Performance Audit," Report Number MERO-A-10-02, December 2009; United States Department of State, Bureau of International Narcotics and Law Enforcement Affairs, "FY 2011 Program and Budget Guide," pp. 127–133; and unpublished data provided by CENTCOM.

Gaps

In terms of the size and scope of programs that INL can undertake, INL has as much capability as it can procure with its budgetary resources and contract and grant management staffing levels. In other words, because INL relies on contractors and grantees to execute its programs, its capabilities are, in principle, expandable. (Some of the challenges of relying on contractors are discussed in Chapter Five, in the section on building police capabilities.) In reality, there are many demands on INL's funds, which are spread across programs in some 45 countries (although some of these country programs are small). The amount of INL funding available for justice and corrections development programs in any particular COIN transition context will depend on administration and congressional funding priorities. It is worth noting that funding for corrections system development from U.S. government agencies, other bilateral donors, and international organizations has typically been very limited. In addition, INL has in practice had difficulty adequately managing and overseeing contracts and grants in circumstances where its program budget has expanded significantly; as reported by the Special Inspector General for Iraq Reconstruction, this was an acute problem in Iraq.⁶

U.S. Agency for International Development

USAID launched the U.S. government's efforts to promote justice system building and reform starting with programs in Latin America in the 1980s. Its early efforts in this area focused on reducing legal, regulatory, and institutional barriers to private-sector growth. A second area of focus was reducing human rights abuses by strengthening justice institutions in the context of democracy promotion. In the 1990s, USAID turned its attention to countries undergoing post-communist transitions, with programs aimed at improving the legal and regulatory environment for market economies to develop. Projects in that context focused on developing constitutions, criminal law and procedure, civil

⁶ SIGIR, *Applying Iraq's Hard Lessons*, p. 18.

codes, and institutions such as bar associations, judiciaries, and criminal law enforcement bodies.⁷

Later, USAID began to undertake justice programs in post-conflict contexts such as Kosovo, where it focused on development of the criminal justice system: supporting court administration reform, training legal personnel (judges, prosecutors, and defense attorneys), providing technical advice on drafting of new laws, and supporting improvements in legal education.⁸ More recently, USAID has engaged in justice system development in the midst of COIN operations in Afghanistan.⁹ USAID's Office of Democracy and Governance is principally responsible for the agency's justice programs.

Capabilities

USAID is not a program-implementing organization. Rather, its programs are executed by contractors, grantees, and international organizations. USAID's own capabilities include undertaking assessments of needs, program planning and budgeting, contract and grant management, and program evaluation. It carries out these functions in large part through USAID missions in the countries in which the programs are executed.¹⁰ USAID is also engaged in the U.S. government's new effort to create enhanced civilian expeditionary capabilities. In that regard, it has deployable personnel associated with the Civilian Response Corps discussed in Chapter Two.

⁷ See U.S. Agency for International Development, Office of Democracy and Governance, Bureau for Democracy, Conflict, and Humanitarian Assistance, "Achievements in Building and Maintaining the Rule of Law: MSI's Studies in LAC, E&E, AFR, and ANE," Occasional Paper Series, November 2002.

⁸ See U.S. Agency for International Development, "Strategy for Kosovo 2001–2003," n.d., p. 27.

⁹ In Iraq, USAID has not had a focused justice system development program, although some staff at the Ministry of Justice have been trained as part of a broad civil servant training program (the "Tatweer" program) throughout the Iraqi government. See Management Systems International (MSI), "105,000 Iraq Ministry Officials Enrolled In Tatweer Training," n.d. MSI is the prime contractor implementing the Tatweer program.

¹⁰ RAND discussion with former USAID official, Washington, D.C., November 2010.

To illustrate USAID's work in the justice arena, USAID currently sponsors, through two different contractors, two justice projects in Afghanistan. One is aimed at strengthening the capabilities of the formal judiciary through such activities as training of judges and support for improved court management and budgeting. The other is intended to support COIN efforts by helping to reestablish informal dispute resolution councils (*shuras*) in recently stabilized areas. From 2003 to 2009, USAID sponsored a justice program in Afghanistan that included judicial training, judiciary administrative capacity-building, support for several legal aid offices, legal curricula development, and public information campaigns on issues such as women's rights. USAID states that the programs it funds have trained more than 60 percent of Afghanistan's judges.¹¹ To give a sense of the scale of these efforts, from FY 2002 to FY 2007 USAID spent \$64 million on rule-of-law programs, 1 percent of its total spending in Afghanistan; this rose to 2 percent for FY 2008 (\$31 million) and FY 2009 (\$33 million).¹²

Gaps

As already indicated, USAID does not implement its programs; implementation is delegated to contractors, grantees, other U.S. agencies, and international organizations to which USAID provides funding through a variety of program financing mechanisms. Thus, the scale and nature of those capabilities can be expanded to the extent permitted by USAID's program budget and its staffing levels for contract, grant and agreement management.

Department of Justice

Principally through its Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT), DoJ provides technical assistance for justice system building and reform. Like its sister organization

¹¹ USAID, "Afghanistan," 2011.

¹² USAID, "Afghanistan," 2011.

ICITAP (discussed in the police-building section above), OPDAT is located within DoJ's criminal division. DoS, USAID, and the Millennium Challenge Corporation fund OPDAT activities, with DoS providing the bulk of the funding (through INL), as well as policy guidance. OPDAT's mission is to enhance the capabilities of foreign justice sector institutions and law enforcement personnel, "so they can effectively partner with the Department of Justice in combating terrorism, trafficking in persons, organized crime, corruption, and financial crimes."¹³ OPDAT activities include promoting revision of inadequate laws; skills training for foreign prosecutors, investigators, and judges; provision of advice on organizational and management issues; and (as is currently being done for the counternarcotics justice system in Afghanistan) mentoring of justice system personnel. DoJ's ICITAP provides corrections system development assistance.

DoJ put in place special arrangements for overseeing its programs in Iraq and Afghanistan because these programs are exceptionally large by DoJ standards and involve the presence of multiple DoJ components. These components include OPDAT, ICITAP, FBI, DEA, USMS, and ATF. The Office of the Deputy Attorney General oversees the activities of DoJ components involved in rule of law activities; one counsel to the deputy attorney general provides leadership and coordination for all DoJ activities in Iraq, and another counsel does the same for Afghanistan. DoJ has also deployed a senior attorney to Iraq to serve as the Rule of Law Coordinator within the U.S. embassy. (A State Department Foreign Service officer serves in that role in Afghanistan.)¹⁴

Capabilities

OPDAT is a relatively small player. In FY 2009 it had 56 full-time resident legal advisors stationed in 33 countries. These individuals, drawn from among U.S. federal and state prosecutors, are deployed for at least a year, during which they provide advice and technical assis-

¹³ U.S. Department of Justice, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), "Our Mission," n.d.

¹⁴ Center for Law and Military Operations, Rule of Law Handbook, pp. 54, 59. See also Statement of Bruce C. Swartz.

tance. Their work is supplemented by intermittent legal advisors (also federal or state prosecutors), who conduct one-week to six-month assistance programs. In FY 2009, total OPDAT funding was \$75.9 million. OPDAT has only a small headquarters staff.¹⁵

Because they are experienced prosecutors, DoJ personnel engaged in justice system development programs generally bring to the table a high level of legal and institutional expertise. They participate in assessments, formulate reform strategies, provide technical advice, and advise and mentor host nation prosecutorial and judicial personnel.

Relative to its usual modestly sized programs, OPDAT is able to scale up its activities somewhat for high-priority circumstances. As of mid-2010, ten resident legal advisors were deployed to Iraq. They were assigned to PRTs and helped facilitate the creation of Central Criminal Court panels (often referred to as Major Crimes Courts) for Mosul, Tikrit, and Kirkuk. They also developed training courses for Iraqi judicial officials on topics including human rights, use of scientific evidence, and prosecution of insurgency and terrorism cases.¹⁶

Also in Iraq, DoJ established the Regime Crimes Liaison Office in May 2004, to assist the government in investigating and prosecuting crimes by Saddam Hussein and members of his regime and in establishing the Iraqi High Tribunal that tried them. At its peak, this office was staffed by 13 DoJ prosecutors, as well as DoD judge advocates, DoJ and international investigators (including agents from the FBI, DEA, ATF, and USMS), forensic scientists, administrative personnel (including intelligence analysts from the National Drug Intelligence Center), and contractors.¹⁷ Staffing levels eventually diminished and the office was ultimately closed.

In Afghanistan, as of 2010, DoJ deploys seven attorneys for at least one-year tours and has funding for three senior criminal investi-

¹⁵ U.S. Department of Justice, OPDAT, "Strategic Plan, Fiscal Year 2005–2006," n.d.

¹⁶ Center for Law and Military Operations, *Rule of Law Handbook*, p. 56; Department of Justice, "Fact Sheet: Department of Justice Efforts in Iraq," February 13, 2008.

¹⁷ Statement of Bruce C. Swartz, pp. 16–17.

gator trainers/mentors to work with the Central Narcotics Tribunal¹⁸ and the Criminal Justice Task Force (the group of investigators and prosecutors who work on narcotics cases). DoJ attorneys assisted in drafting Afghanistan's counternarcotics law and provide daily mentoring as well as training to the Afghan counternarcotics judges and prosecutors. There were plans to add eight DoJ attorneys (for a total of 15) by the end of 2010, with a possible increase to 21 by the end of 2011. No DoJ attorney is permanently stationed in the provinces; most PRTs are staffed with contract attorneys hired through DoS.¹⁹

In addition to its main focus on police training, ICITAP plays a role in building corrections system capabilities. In Iraq, with funding provided by INL, ICITAP helped reestablish the Iraq Corrections Service under the Coalition Provisional Authority and subsequently worked with Iraqi authorities to develop a national prison system. ICITAP deployed 80 corrections training officers to provide on-site training and mentoring to Iraqi staff at prisons throughout the country and to assist the Ministry of Justice in strengthening management of the corrections service. ICITAP also provided training to Iraqi instructors, who in turn teach advanced courses in weapons, emergency response, transportation, personal security details, and biometrics. ICITAP also established the National Corrections Training Academy and regional training academies.²⁰

Gaps

While there are no gaps, per se, in DoJ's ability to contribute to justice system development as part of a COIN transition, there are limitations. Because developing other countries' justice institutions is not a primary element of DOJ's mission, and because the pool of experienced prosecutors who in principle could undertake much of the work

¹⁸ The Central Narcotics Tribunal is a specialized court with exclusive nationwide jurisdiction for mid and high level narcotics cases.

¹⁹ Center for Law and Military Operations, *Rule of Law Handbook*, p. 57.

²⁰ Statement of Bruce C. Swartz, p. 12. See also U.S. Department of Justice, International Criminal Investigative Training Assistance Program: Iraq, n.d.

described above is relatively limited,²¹ DoJ's expeditionary capabilities will remain modest unless a policy decision is made to expand the size and scope of its operations and staff.²² Experience is essential to this work, given that it entails providing substantive advice on proposed legislation, providing training and mentoring to senior-level foreign officials, and proposing organizational and procedural changes—all of which requires high-level understanding of the laws and legal system in the host country. Moreover, DoJ must rely on volunteers for overseas service, a choice that does not fall within the usual career path for prosecutors. For corrections system development work managed through ICITAP, contractors are used to staff deployed teams, and thus the pool of potentially deployable personnel is greater.

Department of Defense

The role of U.S. military organizations in building justice systems in conflict and post-conflict environments includes direct involvement by military legal and civil affairs personnel in rule-of-law activities, as well as funding of projects in Iraq and Afghanistan, such as court construction and other material assistance, through the Commander's Emergency Response Program. Although Judge Advocates engaged in efforts to establish new legal institutions and implement American legal principles as part of pacification efforts as early as the aftermath of the Spanish-American War in the Philippines, rule-of-law promotion did not enter Judge Advocate doctrine until 2006, when it first appeared in Field Manual (FM) 3-24.²³ In recent years, U.S. military personnel have engaged in justice system building efforts largely to fill the gap resulting from limited civilian expeditionary capabilities and the difficulties that civilian agencies and their contractors and grantees have deploying to and operating in insecure environments.

²¹ DoJ has about 5,000 assistant U.S. attorneys and 400 Criminal Division prosecutors.

²² See Gompert et al., *War by Other Means*, p. 309.

²³ Center for Law and Military Operations, *Rule of Law Handbook*, pp. 1–3.

In Afghanistan and Iraq, DoD received specific legislative authority to execute rule-of-law programs, principally police training but also civilian justice capacity-building. In Iraq in particular, the U.S. military played a significant role in overseeing the justice system and legal reform in the early period of occupation and stability operations. Nevertheless, especially prior to the formal embrace of rule-of-law projects in FM 3-24, many of these efforts were ad hoc, “largely dependent on the interest of the individual” military lawyers and legal offices. Projects included obtaining funds for courthouse reconstruction and operating expenses of courts, replacing looted or destroyed legal books, and providing training. By 2009, U.S. rule-of-law activities in Iraq shifted from a DoD lead, executed principally through Judge Advocates, to a DoS lead, overseen by a Rule of Law Coordinator at the U.S. Embassy and implemented through DoJ resident legal advisors and DoS-sponsored advisors and other program activities.²⁴

Capabilities

FM 3-24 anticipates that:

Counterinsurgents may need to undertake a significant role in the reconstruction of the HN judicial system in order to establish legal procedures and systems to deal with captured insurgents and common criminals. During judicial reconstruction, counterinsurgents can expect to be involved in providing sustainment and security support. They can also expect to provide legal support and advice to the HN judicial entities. Even when judicial functions are restored, counterinsurgents may still have to provide logistic and security support to judicial activities for a prolonged period. This support continues as long as insurgents continue to disrupt activities that support the legitimate rule of law.²⁵

Judge Advocates are currently conducting rule of law operations in Iraq and Afghanistan. Their roles include advising commanders and their staff on legal reform initiatives, instructing Iraqi and Afghan

²⁴ Center for Law and Military Operations, *Rule of Law Handbook*, pp. 6, 37–38, 213–214.

²⁵ U.S. Department of the Army, FM 3-24, *Counterinsurgency*, p. D-9.

lawyers on military justice,²⁶ and mentoring judges and other officials. Some specific capabilities of Judge Advocates related to building justice systems include

- helping to develop transitional decrees, codes, courts, and other measures to bring immediate order to areas in which the host nation legal system is not functioning well or at all
- assisting with reform of laws and administrative procedures in light of international legal obligations and human rights standards
- evaluating and helping to improve training for judges, prosecutors, defense lawyers, court administrators, corrections officials, and other justice system personnel
- serving as legal advisors for transitional courts, when necessary.²⁷

Military civil affairs units also play a role in building justice system capabilities. Civil affairs units support long-term institution-building through functional area teams; “rule of law” is one of the civil affairs functional specialty areas. “Rule of law operations,” which the Civil Affairs Operations field manual notes are of particular importance in stability operations, include measures to restore and enhance the operation of the courts, restore and reform the civil and criminal legal system, and provide for an effective corrections system that complies with international standards. In civil affairs organizations, rule-of-law operations are carried out by Judge Advocate personnel assigned or attached to the organization and by civil affairs specialists with backgrounds in judicial administration, corrections, and other relevant areas.²⁸ Civil affairs doctrine provides that rule-of-law capabilities related to building justice systems include

²⁶ Navy Judge Advocates, for example, are developing the Afghan National Army Legal School. They are also advising Afghan National Police legal advisors on how to train Afghan police in the law. CDR Scott Thompson, “Making a Difference in Afghanistan: Navy Judge Advocates and Legalmen Excel in the Counter-insurgency Fight,” *JAG Magazine*, Vol. 12, No. 2, 2010.

²⁷ Center for Law and Military Operations, *Rule of Law Handbook*, pp. 59–60.

²⁸ Department of the Army, FM 3-05.40, *Civil Affairs Operations*, September 2006, pp. 2-8–2-9.

- determining the capabilities and effectiveness of the host nation legal system
- evaluating host nation laws, judicial personnel, judicial infrastructure, and court equipment to determine needs for training, construction, and acquisition
- advising and assisting with development of transitional codes and procedures and long-term legal reform
- supporting transitional justice by acting as judges, magistrates, prosecutors, defense counsel, legal advisors, and court administrators when required
- coordinating the rule-of-law efforts of U.S. and coalition military and other agencies, international and nongovernmental organizations, and host nation authorities.²⁹

Other military elements may play a part in building justice and corrections capabilities as well. For example, in Afghanistan, Joint Task Force (JTF) 435, which is responsible for all U.S. detainee operations in Afghanistan, has a role in improving corrections capabilities there. It is expected that JTF-435 members will provide advice and mentorship to Afghan government personnel as responsibility for detainee operations transitions to the Afghan government.³⁰

The Defense Institute of International Legal Studies (DIILS), which is part of the Defense Security Cooperation Agency, also provides rule-of-law training. Working through the U.S. embassy, DIILS provides training through resident courses and mobile education teams for both lawyers and nonlawyers.³¹

In addition to the advisory, training, and other support discussed above, the U.S. military in Iraq and Afghanistan has provided material assistance, such as infrastructure reconstruction and repair and equipment and supplies, as part of its justice and corrections capacity-building efforts. As a general rule, U.S. law limits the military's role in funding assistance to foreign government institutions, since foreign

²⁹ FM 3-05.40, *Civil Affairs Operations*, pp. 2-8–2-9.

³⁰ Center for Law and Military Operations, *Rule of Law Handbook*, p. 59.

³¹ See DIILS web site.

assistance is in the State Department's domain. An exception, however, is that DoD may fund foreign assistance if Congress has provided a specific, applicable appropriation or authorization. CERP is such an exception for Iraq and Afghanistan and has been used to fund rule-of-law projects not related to the police. (There are separate exceptions for security force capacity-building.)³²

Gaps

Military personnel generally are not as qualified as civilian professionals to engage in developing civilian justice systems.³³ These activities are not what military personnel are trained and military organizations are structured to do. This reality is not a reflection of the quality of military lawyers and civil affairs specialists: An individual's knowledge and skills as a lawyer do not automatically translate into justice system development expertise.

Nevertheless, in COIN and COIN transition environments, military personnel have at times and in some cases likely will continue to have the greatest capacity available in terms of numbers of deployed personnel and project funding readily at their disposal.³⁴ This will be

³² Center for Law and Military Operations, *Rule of Law Handbook*, pp. 183, 189, 192.

³³ See LTC Eric Talbot Jensen and Amy M. Pomeroy, "Afghanistan Legal Lessons Learned: Army Rule of Law Operations," in Michael N. Schmitt, ed., "The War in Afghanistan: A Legal Analysis," *International Law Studies*, Vol. 85, Newport, R.I.: Naval War College, 2009, pp. 465, 473.

³⁴ See U.S. Army Center for Law and Military Operations, Judge Advocates General's Legal Center and School, *Forged in the Fire: Legal Lessons Learned During Military Operations 1994–2008*, September 2008, p. 129: "[A]lthough other USG agencies may have responsibility for developing comprehensive [rule of law] programs and strategies, delays in their development, problems in translating plans into action, or a lack of funding may prevent execution by 'lead agencies' for a significant period. As a result, [Judge Advocates] at all levels must be prepared to begin executing such programs immediately until they are able to merge into a larger framework." and p. 133: "Conducting assessments is a specialized skill, but [Judge Advocates] and other military subject matter experts may be the only persons available to provide any insight into the functioning of the judicial system. They should therefore be prepared to conduct rudimentary assessments in order to determine the extent to which the system is functioning until specialists are able to undertake a comprehensive review." See also Andrew Rathmell, Olga Oliker, Terrence K. Kelly, David Brannan, and Keith Crane, *Developing Iraq's Security Sector: The Coalition Provisional Authority's Experi-*

particularly true where the environment remains insecure, thus depressing civilian deployments and constraining the freedom of movement of civilian personnel. This mismatch of resources and relevant skills raises questions concerning the extent to which military personnel should nonetheless attempt to build justice systems (particularly considering the difficulty of producing the desired effects, regardless of who is trying), but those are beyond the scope of this analysis.

Assuming that the military will continue to play a role in building justice systems, consideration should be given to identifying ways to reduce the ad hoc nature of many of the activities undertaken, to improve coordination of military efforts in this area with concurrent and planned future civilian activities, and to learn from the much deeper and more extensive civilian experience around the world in justice system development. A compendium of lessons learned in Iraq, Afghanistan, and elsewhere points out that rule of law is an “emerging, non-doctrinal” line of operation, and reveals a high degree of variability at different points in time and in different places within a single theater.³⁵ The compendium also indicates considerable variability in the extent and effectiveness of coordination of different agencies’ rule of law activities in both Iraq and Afghanistan.

ence, Santa Monica, Calif.: RAND Corporation, MG-365-OSD, 2005, p. 57. The reports notes that during the period of the Coalition Provisional Authority in Iraq, the DOJ had lead responsibility for judicial and prison reform, but that the bulk of the work on the ground with Iraqi prisons and courts was undertaken by CJTF-7.

³⁵ U.S. Army Center for Law and Military Operations, *Forged in the Fire*, p. 137

Key Capabilities of U.S. Government Agencies

Table C.1 shows the key capabilities and subcapabilities of U.S. government agencies to support transitions. The shaded cells indicate the agencies that have the responsibility for each task, either directly or through contractors.

Table C.1
Key Capabilities of U.S. Government Agencies

Key Capability	Subcapabilities	INL	ICITAP	ATF	DEA	USMS	OPDAT
Ensure interim maintenance of public order and safety	Protection of people and infrastructure						
	Crowd control						
	Investigation (including securing of evidence and witnesses)						
	Intelligence gathering						
	Emergency response/ first responders						
	SWAT-type situations						
	Border police						

Table C.1—Continued

Key Capability	Subcapabilities	INL	ICITAP	ATF	DEA	USMS	OPDAT
Assess, train and mentor police forces	Protection of people and infrastructure						
	Crowd control						
	Investigation (including securing of evidence and witnesses)						
	Intelligence gathering						
	Emergency response/ first responders						
	SWAT-type situations						
	Border police						
	Create police academies/ training centers						
	Teach at police academies/ training centers						
Equip the police	Infrastructures						
	Logistics						
	Technical capacities (e.g. forensics)						
	Equip police academies/ training centers						
Support recruitment and staffing	Improve selection (vetting of candidates)						
	Ensure appropriate representation of all ethnic/ religious communities						

Table C.1—Continued

Key Capability	Subcapabilities	INL	ICITAP	ATF	DEA	USMS	OPDAT
Ensure that police respect human rights and rule of law	Teaching of police ethics						
	Combat corruption						
Promote efficient and reliable institutions	Reform or reestablish the Ministry of Interior						
Support rule of law	Teaching of ethics/human rights						
	Promote an evidence-based system of justice						
	Combat corruption						
	Ensure independence of judges						
	Ensure judicial and witness security						
Support recruitment and staffing	Deploy interim justice personnel if needed						
	Improve selection (vetting of candidates)						
	Ensure appropriate representation of all ethnicities						

Table C.1—Continued

Key Capability	Subcapabilities	INL	ICITAP	ATF	DEA	USMS	OPDAT
Ensure accessibility of the justice system to the population	Sufficient number of courts/Build and repair court facilities						
	Appropriate due process norms						
	Educate population about judicial system and the legal remedies that are available to redress grievances						
Promote efficient and reliable institutions	Reform or reestablish the Ministry of Justice						
	Reform or reestablish the courts system						
	Ensure adequate training and selection of judicial personnel						
Support host nation in assessing and re-forming its legal code or criminal justice system	Deploy judicial advisors						
	Review current laws						
	Assess judicial processes						
	Assess court administration capabilities and resources						

Table C.1—Continued

Key Capability	Subcapabilities	INL	ICITAP	ATF	DEA	USMS	OPDAT
Support war crimes court and tribunals (if required)	Assist in setting up war crime court						
	Assist in tracking war criminals						
	Assist in collection of evidence						
Secure jails	Secure prison facilities						
	Refurbish prison facilities						
Support recruitment and staffing	Deploy penal trainers and advisors						
	Improve selection (vetting of candidates)						
	Ensure appropriate representation of all ethnic/religious communities among prison staff						
Implement humanitarian standards in prisons	Facilitate international monitoring						
	Teach human rights to prison personnel						
	Preserve and secure penal administrative records and reports						

NOTE: Sources on next page.

SOURCES: Key capabilities and subcapabilities listed in this table are based on Angel Rabasa, John Gordon IV, Peter Chalk, Audra Grant, Scott McMahon, Stephanie Pezard, Caroline Reilly, David Ucko, and Rebecca Zimmerman, *Transitioning Insurgencies Toward Stability*, Volume II, *Insights from Selected Case Studies*, Santa Monica, Calif.: RAND Corporation, MG-1111/2-OSD, 2011; FM 3-07, *Stability Operations*; Kelly et al., *A Stability Police Force for the United States*; Gompert et al., *Reconstruction Under Fire*; Kelly, *Options for Transitional Security Capabilities*; and Jones et al., *Establishing Law and Order After Conflict*.

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